



Senate Fiscal Agency
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Senate Bill 1152 (Substitute S-1 as reported)
Sponsor: Senator Erika Geiss
Committee: Judiciary and Public Safety

CONTENT

The bill would enact a new law to do the following:

- Prohibit an employee of a jail or lockup from restraining an incarcerated individual who was pregnant or within a postpartum period (had given birth within the previous 12 weeks), except under certain circumstances.
- Prohibit an employee of a jail or lockup from placing an incarcerated individual who was pregnant or within a postpartum period in segregation or isolating conditions, except under certain circumstances.
- Require an employee of a jail or lockup to document specific information if restraints were used on an incarcerated individual who was pregnant or within a postpartum period.
- Require each incoming female incarcerated individual who was 55 years of age or younger to be offered a pregnancy test upon arrival at a jail or lockup.
- Require a pregnant incarcerated individual to be allowed to develop a birth plan with the assistance of a board-certified obstetrician-gynecologist, a certified nurse midwife, or a doula.
- Require every incarcerated individual who had given birth within the last 12 months to have an opportunity to breastfeed the individual's infant child, to express breast milk for the child, and to express breast milk for disposal.
- Require an incarcerated individual who was breastfeeding a child who was less than 12 months old to be provided more frequent visitation.
- Require an employee of a jail or lockup who could have contact with incarcerated individuals who were pregnant or within a postpartum period to receive annual training on the bill's provisions.
- Allow an incarcerated individual who was pregnant to designate a person to receive updates about the individual's medical condition and require that person to be notified when the incarcerated individual was being transported a hospital for purposes of labor or delivering her child.
- Prohibit a jail or lockup from limiting an incarcerated individual's visitation with her child during the 72 hours after delivery, any medical emergency experienced by the child, or admission of the child into a neonatal intensive care unit from being limited.
- Allow a jail or lockup to limit visitation under circumstances.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a significant, but indeterminate, fiscal impact on local units of government for costs in county jails and local lock-ups. Counties and local units of government with local lock-ups would have to create a system to allow a female incarcerated individual to breast feed her infant child during any visit with the infant and to express breast milk for the infant

child. Counties and local units of government also would have to provide access to all necessary supplies, including a breast pump, appropriate sanitary containers for storage, and refrigeration for the storage of expressed breast milk, which would have to be picked up by a person authorized by the incarcerated individual.

Additionally, the bill would allow for more visitations for incarcerated individuals who had recently delivered to allow for more breast-feeding opportunities for infants under 12 months of age. The additional visits could require more custody staff supervision, which would increase staff costs for counties and local units of government.

As noted above, the bill's costs are indeterminate and would depend on the programming, facilities updates, and additional staff that would be needed to comply with the proposed requirements. Additionally, costs for breast pumps and proper storage are indeterminate.

Date Completed: 10-21-20

Fiscal Analyst: Joe Carrasco