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## SENATE AMENDMENT NO.

Offered by \_\_\_\_\_ Of \_\_\_\_\_

## Amend SS/SCS/Senate Bill No. 683, Page 52, Section 210.1080, Line 318,

2	by inserting after all of said line the following:
3	"217.940. 1. This act establishes the "Correctional
4	Center Nursery Program". The department of corrections
5	shall, subject to appropriations, establish a correctional
6	center nursery in one or more of the correctional centers
7	for women operated by the department, no later than July 1,
8	2025. The purpose of the correctional center nursery
9	program is for bonding and unification between the mother
10	and child. The program shall allow eligible inmates and
11	children born from them while in the custody of the
12	department to reside together in the institution for up to
13	eighteen months post-delivery. In establishing this
14	program, neither the inmate's participation in the program
15	nor any provision of sections 217.940 to 217.947 shall
16	affect, modify, or interfere with the inmate's custodial
17	rights to the child nor does it establish legal custody of
18	the child with the department.
19	2. As used in sections 217.940 to 217.947, the
20	following terms shall mean:
21	(1) "Correctional center nursery program", the program
22	authorized by sections 217.940 to 217.947;
23	(2) "Department", the department of corrections;
24	(3) "Public assistance", all forms of assistance,
25	including monetary assistance from any public source paid

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26	either to the mother or child or any other person on behalf
27	of the child;
28	(4) "Support", the payment of money, including
29	interest:
30	(a) For a child or spouse ordered by a court of
31	competent jurisdiction, whether the payment is ordered in an
32	emergency, temporary, permanent, or modified order, the
33	amount of unpaid support shall bear simple interest from the
34	date it accrued, at a rate of ten dollars upon one hundred
35	dollars per annum, and proportionately for a greater or
36	lesser sum, or for a longer or shorter time;
37	(b) To third parties on behalf of a child or spouse,
38	including, but not limited to, payments to medical, dental
39	or educational providers, payments to insurers for health
40	and hospitalization insurance, payments of residential rent
41	or mortgage payments, payments on an automobile, or payments
42	for day care; or
43	(c) For a mother, ordered by a court of competent
44	jurisdiction, for the necessary expenses incurred by or for
45	the mother in connection with her confinement or of other
46	expenses in connection with the pregnancy of the mother.
47	217.941. 1. An inmate is eligible to participate in
48	the correctional center nursery program if:
49	(1) She delivers the child while in the custody of the
50	department;
51	(2) She is expected to give birth or gives birth on or
52	after the date the program is implemented;
53	(3) She has a presumptive release date established by
54	the parole board of eighteen months or less from the date
55	she applies to participate in the program;
56	(4) She has not pled guilty to or been convicted of a
57	dangerous felony as defined in section 556.061;

58	(5) She has not pled guilty to or been convicted of
59	any sexual offense contained in chapter 566 where the victim
60	of the crime was a minor;
61	(6) She has not pled guilty to or been convicted of an
62	offense against the family contained in chapter 568,
63	excluding criminal nonsupport; and
64	(7) She and the child meet any other criteria
65	established by the department.
66	2. Placement into the program shall be by internal
67	classification of the department. A sentencing court is
68	without jurisdiction to order a placement of an inmate into
69	the program.
70	3. Program capacity shall be determined by the
71	department.
72	4. Upon first release of the mother and child, the
73	child shall not be eligible to return to the program if the
74	mother is revoked or receives a new assignment to the
75	department of corrections.
76	217.942. 1. To participate in the correctional center
77	nursery program, each eligible inmate selected by the
78	department shall agree in writing to:
79	(1) Comply with all department policies, procedures
80	and other requirements related to the corrections nursery
81	program and rules that apply to all incarcerated offenders
82	generally;
83	(2) If eligible, have the child participate in the
84	state children's health insurance program under sections
85	208.631 to 208.658;
86	(3) Abide by any court decisions regarding the
87	allocation of parental rights and responsibilities with
88	respect to the child; and

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89	(4) Specify with whom the child is to be placed in the
90	event the inmate's participation in the program is
91	terminated for a reason other than release from imprisonment.
92	2. The department shall be required to establish
93	policy for the operation of the program.
94	217.943. An inmate's participation in the correctional
95	center nursery program may be terminated by the department
96	if one of the following occurs:
97	(1) The inmate fails to comply with the agreement
98	entered into under section 217.942;
99	(2) The inmate violates an institutional rule that
100	results in alternative housing placement outside of the area
101	designated for the program;
102	(3) The inmate's child becomes seriously ill, cannot
103	receive the necessary medical care, or otherwise cannot
104	safely participate in the program;
105	(4) A court of competent jurisdiction grants custody
106	of the child to a person other than the inmate;
107	(5) A court of competent jurisdiction issues an order
108	regarding the child granting temporary, permanent, or legal
109	custody of the child to a person other than the inmate, or
110	to a public children services agency or private child
111	placing agency; or
112	(6) The inmate is released from imprisonment.
113	217.944. 1. The division of child support enforcement
114	shall collect support payments made pursuant to the
115	assignment and forward them to the department for deposit
116	into the inmate's inmate banking account.
117	2. The department may accept monetary and property
118	donations on behalf of the program.
119	3. All donations accepted by the department for the
120	correctional center nursery program shall be used solely for

121	any expenses relating to the operation and maintenance of
122	the program.
123	4. No donations of property shall be made on behalf of
124	one particular inmate or child to be used while incarcerated.
125	5. Financial donations, public assistance, or support
126	for a specific inmate or child shall be made through the
127	inmate banking system.
128	217.945. 1. There is hereby created in the state
129	treasury the "Correctional Center Nursery Program Fund",
130	which shall consist of money collected under this section
131	and section 217.944 as well as any appropriations made by
132	the general assembly. The department shall obtain
133	sufficient resources to initiate and maintain the program
134	and may accept gifts, grants, and donations of any kind.
135	The state treasurer shall be custodian of the fund. In
136	accordance with sections 30.170 and 30.180, the state
137	treasurer may approve disbursements. The fund shall be a
138	dedicated fund and money in the fund shall be used solely by
139	the department for the purposes of operating and maintaining
140	sections 217.940 to 217.947.
141	2. Notwithstanding the provisions of section 33.080 to
142	the contrary, any moneys remaining in the fund at the end of
143	the biennium shall not revert to the credit of the general
144	revenue fund.
145	3. The state treasurer shall invest moneys in the fund
146	in the same manner as other funds are invested. Any interest
147	and moneys earned on such investments shall be credited to
148	the fund.
149	217.946. Notwithstanding any other provision of law to
150	contrary, neither the correctional center nursery program
151	nor the department, with respect to the program, is subject
152	to any regulation, licensing or oversight by the department
153	of health and senior services, department of social

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154	services, children's division, juvenile officer of any
155	jurisdiction or the office of childhood unless the
156	department voluntarily agrees to services, regulation,
157	licensing, or oversight from any of the aforementioned
158	entities.
159	217.947. The operation of a correctional center
160	nursery program established under sections 217.940 to
161	217.947 and the presence of children of inmates
162	participating in the correctional center nursery program
163	shall not be considered a dangerous condition that would
164	result in a waiver of sovereign immunity under section
165	537.600. The sovereign immunity provisions of section
166	537.600 and any other statute regarding the sovereign
167	immunity of the state or public entities in existence as of
168	August 28, 2022, shall remain in effect and shall be applied
169	in the same manner as such provisions were applied prior to
170	the establishment of the correctional center nursery program
171	under sections 217.940 to 217.947."; and
172	Further amend the title and enacting clause accordingly.