

119TH CONGRESS
1ST SESSION

S. 687

To encourage States to report to the Attorney General certain information regarding inmates who give birth in the custody of law enforcement agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2025

Mr. OSSOFF (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To encourage States to report to the Attorney General certain information regarding inmates who give birth in the custody of law enforcement agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Births in Custody Re-
5 porting Act of 2025” or the “BCRA of 2025”.

1 **SEC. 2. STATE INFORMATION REGARDING PREGNANT INDI-**
2 **VIDUALS AND INDIVIDUALS WHO GIVE BIRTH**
3 **IN THE CUSTODY OF LAW ENFORCEMENT.**

4 (a) DEFINITIONS.—In this section, the terms “boot
5 camp prison” and “State” have the meanings given those
6 terms, respectively, in section 901(a) of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
8 10251(a)).

9 (b) REPORT.—For each fiscal year after the expira-
10 tion of the period specified in subsection (e)(1) in which
11 a State receives funds for a program referred to in sub-
12 section (e)(2), the State shall report to the Attorney Gen-
13 eral, on a quarterly basis and pursuant to guidelines es-
14 tablished by the Attorney General, anonymized and aggre-
15 gate information regarding any inmates who are pregnant
16 or who have given birth while detained or incarcerated at
17 a custodial facility within the jurisdiction of the State, in-
18 cluding a municipal or county jail, State prison, State-run
19 boot camp prison, boot camp prison that is contracted out
20 by the State, any State or local contract facility, or other
21 local or State correctional facility (including any juvenile
22 facility).

23 (c) INFORMATION REQUIRED.—The report required
24 by subsection (b) shall contain information that, at a min-
25 imum, includes—

1 (1) the total number of pregnant inmates in
2 custody to date in that calendar year;

3 (2) the race and ethnicity of each pregnant in-
4 mate described in paragraph (1);

5 (3) the quarter of admission to custody for each
6 pregnant inmate described under paragraph (1);

7 (4) whether each female inmate was adminis-
8 tered a pregnancy test not later than 1 week after
9 admission to custody;

10 (5) whether each pregnant inmate received a
11 prenatal visit with a qualified medical professional
12 not later than 7 days after facility personnel deter-
13 mined that the inmate was pregnant;

14 (6) the outcome of each inmate's pregnancy if
15 the pregnancy occurred while the inmate was in cus-
16 tody, including live birth, stillbirth, miscarriage, ec-
17 topic pregnancy, maternal death, neonatal death,
18 and preterm birth;

19 (7) the quarter when the pregnant inmate was
20 released from custody or when the pregnancy out-
21 come described in paragraph (6) occurred, whichever
22 occurs first;

23 (8) whether each outcome under paragraph (6)
24 took place at the custodial facility or at an off-site

1 location, and if at an off-site location, which off-site
2 location;

3 (9) the number of times that restraints were
4 used on each pregnant inmate, the type of restraint
5 used, and the justification for the use of restraints,
6 and including the following information—

7 (A) whether restraints were used during
8 pregnancy, during labor, or during delivery;

9 (B) whether restraints were used while the
10 pregnant inmate was in transit between the
11 custodial facility and medical appointments, a
12 hospital, or court proceedings; and

13 (C) whether restraints were used on the
14 pregnant inmate's ankles, wrists, or abdomen;

15 (10) the number of pregnant inmates who were
16 still in custody postpartum, defined as at least 12
17 weeks after delivery, and information about each of
18 those inmates, including—

19 (A) whether each inmate, as described in
20 this paragraph, received a screening for
21 postpartum depression with a qualified medical
22 provider; and

23 (B) whether each inmate, as described in
24 this paragraph, received a postpartum medical

1 appointment with a qualified medical provider
2 not later than 2 weeks after delivery; and

3 (11) the total number of inmates described in
4 paragraphs (1) and (10) who were placed in restric-
5 tive housing while pregnant or postpartum, the rea-
6 son for such placement, and the amount of time
7 spent in restrictive housing.

8 (d) PERSONALLY IDENTIFIABLE INFORMATION.—

9 Data collected under subsection (c) may not contain any
10 personally identifiable information of any incarcerated
11 pregnant or postpartum inmate.

12 (e) COMPLIANCE AND INELIGIBILITY.—

13 (1) COMPLIANCE DATE.—Each State shall have
14 not more than 120 days from the date of enactment
15 of this Act to comply with subsection (b), except
16 that the Attorney General may grant an additional
17 120 days to a State that is making good faith ef-
18 forts to comply with such subsection.

19 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
20 year after the expiration of the period specified in
21 paragraph (1), a State that fails to comply with sub-
22 section (b), shall, at the discretion of the Attorney
23 General, be subject to not more than a 10-percent
24 reduction of the funds that would otherwise be allo-
25 cated for that fiscal year to the State under subpart

1 1 of part E of title I of the Omnibus Crime Control
2 and Safe Streets Act of 1968 (34 U.S.C. 10151 et
3 seq.).

4 (f) REALLOCATION.—Amounts not allocated under
5 the program referred to in subsection (e)(2) to a State
6 for failure to fully comply with subsection (b) shall be re-
7 allocated under that program to States that have not
8 failed to comply with such subsection.

9 (g) PUBLICATION OF REPORTS BY ATTORNEY GEN-
10 ERAL.—The Attorney General shall make available to the
11 public each report submitted under subsection (b).

12 (h) STUDY REQUIRED.—The Attorney General shall
13 carry out a study on the information reported under sub-
14 section (c) to—

15 (1) determine means by which such information
16 can be used to improve the treatment of inmates
17 who are pregnant or who have given birth at the
18 jails, prisons, and other specified facilities covered in
19 the reports; and

20 (2) examine—

21 (A) the relationship, if any, between still-
22 births, miscarriages, maternal deaths, neonatal
23 deaths, and preterm births that occur while in-
24 mates are in custody; and

1 (B) the actions of management of such
2 jails, prisons, and other specified facilities.

3 (i) REPORT TO CONGRESS.—Not later than 2 years
4 after the date of enactment of this Act, the Attorney Gen-
5 eral shall prepare and submit to Congress a report that
6 contains the findings of the study required by subsection
7 (h).

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