

115TH CONGRESS  
1ST SESSION

# S. 1524

To improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 11, 2017

Mr. BOOKER (for himself, Ms. WARREN, Mr. DURBIN, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To improve the treatment of Federal prisoners who are primary caretaker parents, 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 “Dignity for Incarcer-

5       ated Women Act of 2017” or the “Dignity Act”.

1 **SEC. 2. TREATMENT OF PRIMARY CARETAKER PARENTS**  
2 **AND OTHER INDIVIDUALS IN FEDERAL PRIS-**  
3 **ONS.**

4 (a) IN GENERAL.—Chapter 303 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 4050. Treatment of primary caretaker parents and**  
8 **other individuals**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘correctional officer’ means a cor-  
11 rectional officer of the Bureau of Prisons;

12 “(2) the term ‘Director’ means the Director of  
13 the Bureau of Prisons;

14 “(3) the term ‘primary caretaker parent’ has  
15 the meaning given the term in section 31903 of the  
16 Violent Crime Control and Law Enforcement Act of  
17 1994 (42 U.S.C. 13882); and

18 “(4) the term ‘prisoner’ means an individual  
19 who is incarcerated in a Federal penal or correc-  
20 tional institution.

21 “(b) GEOGRAPHIC PLACEMENT.—

22 “(1) ESTABLISHMENT OF OFFICE.—The Direc-  
23 tor shall establish within the Bureau of Prisons an  
24 office that determines the placement of prisoners.

1           “(2) PLACEMENT OF PRISONERS.—In deter-  
2           mining the placement of a prisoner, the office estab-  
3           lished under paragraph (1) shall—

4                   “(A) if the prisoner has children, place the  
5           prisoner as close to the children as possible; and

6                   “(B) consider any other factor that the of-  
7           fice determines appropriate.

8           “(c) VISITATION RULES.—The Director shall pro-  
9           mulgate regulations for visitation between prisoners who  
10          are primary caretaker parents and their family members  
11          under which—

12                   “(1) a prisoner may receive visits not fewer  
13          than 6 days per week, which shall include Saturday  
14          and Sunday;

15                   “(2) a Federal penal or correctional institution  
16          shall be open for visitation for not fewer than 8  
17          hours per day;

18                   “(3) a prisoner may have up to 5 adult visitors  
19          and an unlimited number of child visitors per visit;  
20          and

21                   “(4) a prisoner may have physical contact with  
22          visitors unless the prisoner presents an immediate  
23          physical danger to the visitors.

24          “(d) PLACEMENT IN SEGREGATED HOUSING UNITS;  
25          PROHIBITION ON SHACKLING.—

1           “(1) PLACEMENT IN SEGREGATED HOUSING  
2           UNITS.—

3           “(A) IN GENERAL.—A Federal penal or  
4           correctional institution may not place a prisoner  
5           who is pregnant or in the first 8 weeks of  
6           postpartum recovery in a segregated housing  
7           unit unless the prisoner presents an immediate  
8           risk of harm to others or herself.

9           “(B) RESTRICTIONS.—Any placement of a  
10          prisoner described in subparagraph (A) in a  
11          segregated housing unit shall be limited and  
12          temporary.

13          “(2) PROHIBITION ON SHACKLING.—A Federal  
14          penal or correctional institution may not use instru-  
15          ments of restraint, including handcuffs, chains,  
16          irons, straitjackets, or similar items, on a prisoner  
17          who is pregnant.

18          “(e) PARENTING CLASSES.—The Director shall pro-  
19          vide parenting classes to each prisoner who is a primary  
20          caretaker parent.

21          “(f) TRAUMA-INFORMED CARE.—

22                 “(1) IN GENERAL.—The Director shall provide  
23          trauma-informed care to each prisoner who is diag-  
24          nosed with trauma.

1           “(2) IDENTIFICATION AND REFERRAL.—The  
 2       Director shall provide training to each correctional  
 3       officer and each other employee of the Bureau of  
 4       Prisons who regularly interacts with prisoners, in-  
 5       cluding health care professionals and instructors, to  
 6       enable the employees to identify prisoners with trau-  
 7       ma and refer those prisoners to the proper  
 8       healthcare professional for treatment.

9           “(g) MENTORING BY FORMER PRISONERS.—The Di-  
 10      rector shall promulgate regulations under which an indi-  
 11      vidual who was formerly incarcerated in a Federal penal  
 12      or correctional institution may access such an institution  
 13      to—

14               “(1) act as a mentor for prisoners; and

15               “(2) assist prisoners in reentry.

16           “(h) OMBUDSMAN.—The Attorney General shall des-  
 17      ignate an ombudsman to oversee and monitor, with re-  
 18      spect to Federal penal and correctional institutions—

19               “(1) prisoner transportation;

20               “(2) use of segregated housing;

21               “(3) strip searches of prisoners; and

22               “(4) civil rights violations.

23           “(i) TELECOMMUNICATIONS.—

24               “(1) IN GENERAL.—The Director—

1           “(A) may not charge a fee for a telephone  
2           call made by a prisoner; and

3           “(B) shall make videoconferencing avail-  
4           able to prisoners in each Federal penal or cor-  
5           rectional institution free of charge.

6           “(2) RULE OF CONSTRUCTION.—Nothing in  
7           paragraph (1)(B) shall be construed to authorize the  
8           Director to use videoconferencing as a substitute for  
9           in-person visits.

10          “(j) INMATE HEALTH.—

11           “(1) HEALTHCARE PRODUCTS.—

12           “(A) AVAILABILITY.—The Director shall  
13           make the healthcare products described in sub-  
14           paragraph (C) available to prisoners for free, in  
15           a quantity that is appropriate to the healthcare  
16           needs of each prisoner.

17           “(B) QUALITY OF PRODUCTS.—The Direc-  
18           tor shall ensure that the healthcare products  
19           provided under this paragraph conform with ap-  
20           plicable industry standards.

21           “(C) PRODUCTS.—The healthcare products  
22           described in this subparagraph are—

23                   “(i) tampons;

24                   “(ii) sanitary napkins;

- 1 “(iii) moisturizing soap, which may  
 2 not be lye-based;  
 3 “(iv) shampoo;  
 4 “(v) body lotion;  
 5 “(vi) Vaseline;  
 6 “(vii) toothpaste;  
 7 “(viii) toothbrushes;  
 8 “(ix) aspirin;  
 9 “(x) ibuprofen; and  
 10 “(xi) any other healthcare product  
 11 that the Director determines appropriate.
- 12 “(2) GYNECOLOGIST ACCESS.—The Director  
 13 shall ensure that female prisoners have access to a  
 14 gynecologist.
- 15 “(k) USE OF SEX-APPROPRIATE CORRECTIONAL OF-  
 16 FICERS.—
- 17 “(1) REGULATIONS.—The Director shall pro-  
 18 mulgate regulations under which—
- 19 “(A) a correctional officer may not conduct  
 20 a strip search of a prisoner of the opposite sex  
 21 unless—
- 22 “(i) the prisoner presents a risk of  
 23 immediate harm to herself or himself or  
 24 others; and

1 “(ii) no other correctional officer of  
 2 the same sex as the prisoner is available to  
 3 assist; and

4 “(B) a correctional officer may not enter a  
 5 restroom reserved for prisoners of the opposite  
 6 sex unless—

7 “(i)(I) a prisoner in the restroom pre-  
 8 sents a risk of immediate harm to herself  
 9 or himself or others; or

10 “(II) there is a medical emergency in  
 11 the restroom; and

12 “(ii) no other correctional officer of  
 13 the appropriate sex is available to assist.

14 “(2) RELATION TO OTHER LAWS.—Nothing in  
 15 paragraph (1) shall be construed to affect the re-  
 16 quirements under the Prison Rape Elimination Act  
 17 of 2003 (42 U.S.C. 15601 et seq.).”.

18 (b) SUBSTANCE ABUSE TREATMENT.—Section  
 19 3621(e) of title 18, United States Code, is amended by  
 20 adding at the end the following:

21 “(7) ELIGIBILITY OF PRIMARY CARETAKER  
 22 PARENTS AND PREGNANT WOMEN.—The Bureau of  
 23 Prisons may not prohibit a prisoner who is a pri-  
 24 mary caretaker parent (as defined in section 4050)  
 25 or pregnant from participating in a program of resi-

1       dential substance abuse treatment provided under  
 2       paragraph (1) based on the failure of the individual,  
 3       before being committed to the custody of the Bu-  
 4       reau, to disclose to any official that the individual  
 5       had a substance abuse problem.”.

6       (c) TECHNICAL AND CONFORMING AMENDMENT.—  
 7       The table of sections for chapter 303 of title 18, United  
 8       States Code, is amended by adding at the end the fol-  
 9       lowing:

“4050. Treatment of primary caretaker parents and other individuals.”.

10   **SEC. 3. OVERNIGHT VISIT PILOT PROGRAM.**

11       (a) DEFINITIONS.—In this section—

12           (1) the term “Director” means the Director of  
 13       the Bureau of Prisons;

14           (2) the term “primary caretaker parent” has  
 15       the meaning given the term in section 31903 of the  
 16       Violent Crime Control and Law Enforcement Act of  
 17       1994 (42 U.S.C. 13882); and

18           (3) the term “prisoner” means an individual  
 19       who is incarcerated in a Federal penal or correc-  
 20       tional institution.

21       (b) PILOT PROGRAM.—The Director shall carry out  
 22       a pilot program under which prisoners who are primary  
 23       caretaker parents and meet eligibility criteria established  
 24       by the Director may receive overnight visits from family  
 25       members.

1       (c) ELIGIBILITY CRITERIA.—In establishing eligi-  
2   bility criteria for the pilot program under subsection (b),  
3   the Director shall—

4           (1) require that a prisoner have displayed good  
5       behavior; and

6           (2) prohibit participation by any prisoner who  
7       has been convicted of a crime of violence (as defined  
8       in section 16 of title 18, United States Code).

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