

118TH CONGRESS
2D SESSION

S. 5565

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

DECEMBER 17 (legislative day, DECEMBER 16), 2024

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 2024” or the “BCRA”.

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 informa-
15 tion from each custodial facility within the State’s jurisdic-
16 tion, regarding any inmate who is pregnant or who has
17 given birth while the individual is detained or incarcerated
18 at a municipal or county jail, State prison, State-run boot
19 camp prison, boot camp prison that is contracted out by
20 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 of the pregnancy outcome
21 described in paragraph (6), whichever occurs first;

22 (8) whether each outcome under paragraph (6)
23 took place at the custodial facility or at an off-site
24 location, and if at an off-site location, which off-site
25 location;

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

5 (A) whether restraints were used during
6 pregnancy, during labor, or during delivery;

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

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

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

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

21 (B) whether each inmate, as described in
22 this paragraph, received a postpartum medical
23 appointment with a qualified medical provider
24 within two weeks of delivery; and

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

6 (d) PERSONALLY IDENTIFIABLE INFORMATION.—
7 Data collected under subsection (c) may not contain any
8 personally identifiable information of any incarcerated
9 pregnant or postpartum inmate.

10 (e) COMPLIANCE AND INELIGIBILITY.—

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

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

1 and Safe Streets Act of 1968 (34 U.S.C. 10151 et
2 seq.).

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

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

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

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

19 (2) examine—

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

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

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

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