

to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for conducting the officer or employee's regular duties.

(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.

(Added Pub. L. 114-133, §2(a), Mar. 9, 2016, 130 Stat. 296.)

§ 4050. Secure firearms storage

(a) DEFINITIONS.—In this section—

(1) the term “employee” means a qualified law enforcement officer employed by the Bureau of Prisons; and

(2) the terms “firearm” and “qualified law enforcement officer” have the meanings given those terms under section 926B.

(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

(1)(A) provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms; or

(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.

(Added Pub. L. 115-391, title II, §202(a), Dec. 21, 2018, 132 Stat. 5216.)

§ 4051. Treatment of primary caretaker parents and other individuals

(a) DEFINITIONS.—In this section—

(1) the term “correctional officer” means a correctional officer of the Bureau of Prisons;

(2) the term “covered institution” means a Federal penal or correctional institution;

(3) the term “Director” means the Director of the Bureau of Prisons;

(4) the term “post-partum recovery” means the first 12-week period of post-partum recovery after giving birth;

(5) the term “primary caretaker parent” has the meaning given the term in section 31903 of the Family Unity Demonstration Project Act (34 U.S.C. 12242);

(6) the term “prisoner” means an individual who is incarcerated in a Federal penal or correctional institution, including a vulnerable person; and

(7) the term “vulnerable person” means an individual who—

(A) is under 21 years of age or over 60 years of age;

(B) is pregnant;

(C) is victim or witness of a crime;

(D) has filed a nonfrivolous civil rights claim in Federal or State court; or

(E) during the period of incarceration, has been determined to have experienced or to be experiencing severe trauma or to be the victim of gender-based violence—

(i) by any court or administrative judicial proceeding;

(ii) by any corrections official;

(iii) by the individual's attorney or legal service provider; or

(iv) by the individual.

(b) GEOGRAPHIC PLACEMENT.—

(1) ESTABLISHMENT OF OFFICE.—The Director shall establish within the Bureau of Prisons an office that determines the placement of prisoners.

(2) PLACEMENT OF PRISONERS.—In determining the placement of a prisoner, the office established under paragraph (1) shall—

(A) if the prisoner has children, consider placing the prisoner as close to the children as possible; and

(B) consider any other factor that the office determines to be appropriate.

(c) PROHIBITION ON PLACEMENT OF PREGNANT PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY IN SEGREGATED HOUSING UNITS.—

(1) PLACEMENT IN SEGREGATED HOUSING UNITS.—A covered institution may not place a prisoner who is pregnant or in post-partum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to the prisoner or others.

(2) RESTRICTIONS.—Any placement of a prisoner described in paragraph (1) in a segregated housing unit shall be limited and temporary.

(d) INTAKE AND ASSESSMENTS.—The Director shall assess the need for family-focused programming at intake, such as questions about children, gauge interest in parenting resources, and concerns about their child or caregiving, and administer ongoing assessment to better inform, identify, and make recommendations about the mother's parental role and familial needs.

(e) PARENTING CLASSES.—The Director shall provide voluntary parenting classes to each prisoner who is a primary caretaker parent, and such classes shall be made available to prisoners with limited English proficiency in compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(f) **TRAUMA SCREENING.**—The Director shall provide training, including cultural competency training, to each correctional officer and each employee of the Bureau of Prisons who regularly interacts with prisoners, including each instructor and health care professional, to enable those correctional officers and employees to—

- (1) identify a prisoner who may have a mental or physical health need relating to trauma the prisoner has experienced; and
- (2) refer a prisoner described in paragraph (1) to the proper health care professional for diagnosis and treatment.

(g) **FAMILY NEEDS TRAINING.**—The Director shall provide training to correctional officers and employees of the Bureau of Prisons who engage with prisoners' families on—

- (1) how to interact with children in an age-appropriate manner, and the children's caregivers;
- (2) basic childhood and adolescent development information; and
- (3) basic customer service skills.

(h) **INMATE HEALTH.**—

(1) **HEALTH CARE ACCESS.**—The Director shall ensure that all prisoners receive adequate health care.

(2) **HYGIENIC PRODUCTS.**—The Director shall make essential hygienic products, including shampoo, toothpaste, toothbrushes, and any other hygienic product that the Director determines appropriate, available without charge to prisoners. The Director shall make rules—

(A) on the distribution and accessibility of sanitary products to prisoners, to ensure each prisoner who requires these products receives a quantity the prisoner deems sufficient; and

(B) providing that no visitor is prohibited from visiting a prisoner due to the visitor's use of sanitary products.

(3) **GYNECOLOGIST ACCESS.**—The Director shall ensure that all prisoners have access to a gynecologist as appropriate.

(4) **RELATION TO OTHER LAWS.**—Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.).

(Added Pub. L. 117-103, div. W, title X, §1001(b), Mar. 15, 2022, 136 Stat. 912.)

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (e), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Prison Rape Elimination Act of 2003, referred to in subsec. (h)(4), is Pub. L. 108-79, Sept. 4, 2003, 117 Stat. 972, which is classified generally to chapter 303 (§30301 et seq.) of Title 34, Crime Control and Law Enforcement. For complete classification of this Act to the Code, see Short Title of 2003 Act note set out under section 10101 of Title 34 and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

IMPLEMENTATION DATE

Section, as enacted by Pub. L. 117-103, to be implemented no later than 2 years after Mar. 15, 2022, with interim progress report required, see section 1001(d) of Pub. L. 117-103, set out as an Implementation Date of 2022 Amendment note under section 3621 of this title.

CHAPTER 305—COMMITMENT AND TRANSFER

<p>Sec. 4081. 4082. 4083. 4084. 4085. 4086.</p>	<p>Classification and treatment of prisoners. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough. Penitentiary imprisonment; consent. Repealed. Repealed. Temporary safe-keeping of federal offenders by marshals.</p>
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Editorial Notes

AMENDMENTS

1996—Pub. L. 104-294, title VI, §601(f)(14), Oct. 11, 1996, 110 Stat. 3500, substituted “centers;” for “centers,” in item 4082.

1984—Pub. L. 98-473, title II, §218(e), Oct. 12, 1984, 98 Stat. 2027, substituted “Repealed” for “Copy of commitment delivered with prisoner” in item 4084, and “Repealed” for “Transfer for state offense; expense” in item 4085.

1965—Pub. L. 89-176, §2, Sept. 10, 1965, 79 Stat. 675, substituted “residential treatment centers, extension of limits of confinement; work furlough” for “transfer” in item 4082.

§ 4081. Classification and treatment of prisoners

The Federal penal and correctional institutions shall be so planned and limited in size as to facilitate the development of an integrated system which will assure the proper classification and segregation of Federal prisoners according to the nature of the offenses committed, the character and mental condition of the prisoners, and such other factors as should be considered in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions.

(June 25, 1948, ch. 645, 62 Stat. 850.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §907 (May 27, 1930, ch. 339, §7, 46 Stat. 390).

Language of section is so changed as to make one policy for all institutions, thus clarifying the manifest intent of Congress.

Minor changes were made in phraseology.

§ 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough

(a) The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the cus-