



Senate Fiscal Agency
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Senate Bill 830 (Substitute S-1 as reported)

Sponsor: Senator Erika Geiss

Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Corrections Code to do the following:

- Prohibit a Michigan Department of Corrections (MDOC) employee from restraining an incarcerated individual who was pregnant or within a postpartum period (had given birth within the previous 12 weeks), except under certain circumstances.
- Prohibit an MDOC employee from placing an incarcerated individual who was pregnant or within a postpartum period in segregation or isolating conditions, except under certain circumstances.
- Require a correctional facility employee to document in writing certain information if restraints were used on an incarcerated individual who was pregnant or within a postpartum period.
- Require each incoming female incarcerated individual who was 55 years of age or younger to be offered a pregnancy test upon arrival at a designated reception center and require an additional test to be offered within 14 days after the individual's arrival.
- Require the MDOC to allow, subject to its policies on informed consent and medical necessity, a pregnant incarcerated individual to develop a birth plan with the assistance of a board-certified obstetrician-gynecologist, a certified nurse midwife, or a doula.
- Require the MDOC to ensure that every incarcerated individual who had given birth within the last 12 months had an opportunity to breastfeed the individual's infant child, to express breast milk for the child, and to express breast milk for disposal, and to provide the individual with necessary supplies, including a breast pump and appropriate, sanitary containers.
- Require the MDOC to provide frequent visitation for a female incarcerated individual who was breastfeeding a child who was less than 12 months old.
- Require a correctional facility employee who could have contact with incarcerated individuals who were pregnant or within a postpartum period and were incarcerated in the facility to receive annual training on the bill's provisions.
- Allow an incarcerated individual who was pregnant to designate a person to receive updates about the individual's medical condition and require the MDOC to notify that person when the incarcerated individual was being transported to a hospital for purposes of labor or delivering her child.
- Prohibit the MDOC from limiting the visitation of an incarcerated individual with her child during the period after delivery until the individual was transported back to the correctional facility, any medical emergency experienced by the child, and admission of the child into a neonatal intensive care unit.
- Allow the MDOC to limit visitation under circumstances.
- Require the Department to provide certain quarterly reports to the Legislature regarding incarcerated individuals in correctional facilities.

Proposed MCL 791.265j

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a significant, but indeterminate, fiscal impact on the MDOC. The Department would have to create a system to allow a female prisoner to breast feed her infant child during any visit with the infant and to express breast milk for the infant child. The MDOC also would have to provide access to all necessary supplies, including a breast pump, appropriate sanitary containers for storage, and refrigeration for the storage of expressed breast milk, which would have to be picked up by a person authorized by the incarcerated individual.

Additionally, the bill would allow for more visitations for prisoners who had recently delivered to allow for more breast-feeding opportunities for infants under 12 months of age. The additional visits could require more custody staff supervision, which would increase staff costs for the Department.

As noted above, the costs of the bill are indeterminate and would depend on amount of programming, facilities updates, and additional staff that would be needed to comply with the proposed requirements. Based on fiscal year 2019-20 data, the current estimated average annual cost for 1.0 FTE for a classified State employee is \$123,000 gross, \$62,600 General Fund/General Purpose for salary and benefits. This estimate could be higher or lower depending on the classification level of the FTEs hired. Costs for additional breast pumps and proper storage are indeterminate.

Date Completed: 10-21-20

Fiscal Analyst: Joe Carrasco