

AMENDMENT NO. _____ Calendar No. _____

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

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1917

To reform sentencing laws and correctional institutions, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 At the end, add the following:

2 **TITLE IV—DIGNITY ACT**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Dignity for Incarcer-
5 ated Women Act of 2018” or the “Dignity Act”.

6 **SEC. 402. TREATMENT OF PRIMARY CARETAKER PARENTS**

7 **AND OTHER INDIVIDUALS IN FEDERAL PRIS-**

8 **ONS.**

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

1 **“§ 4050. Treatment of primary caretaker parents and**
2 **other individuals**

3 “(a) DEFINITIONS.—In this section—

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

6 “(2) the term ‘Director’ means the Director of
7 the Bureau of Prisons;

8 “(3) the term ‘primary caretaker parent’ has
9 the meaning given the term in section 31903 of the
10 Violent Crime Control and Law Enforcement Act of
11 1994 (42 U.S.C. 12242); and

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

15 “(b) GEOGRAPHIC PLACEMENT.—

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

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

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

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

1 “(c) VISITATION RULES.—The Director shall pro-
2 mulgate regulations for visitation between prisoners who
3 are primary caretaker parents and their family members
4 under which—

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

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

11 “(3) a prisoner may have up to 5 adult visitors
12 and an unlimited number of child visitors per visit;
13 and

14 “(4) a prisoner may have physical contact with
15 visitors unless the prisoner presents an immediate
16 physical danger to the visitors.

17 “(d) PLACEMENT IN SEGREGATED HOUSING UNITS;
18 PROHIBITION ON SHACKLING.—

19 “(1) PLACEMENT IN SEGREGATED HOUSING
20 UNITS.—

21 “(A) IN GENERAL.—A Federal penal or
22 correctional institution may not place a prisoner
23 who is pregnant or in the first 8 weeks of
24 postpartum recovery in a segregated housing

1 unit unless the prisoner presents an immediate
2 risk of harm to others or herself.

3 “(B) RESTRICTIONS.—Any placement of a
4 prisoner described in subparagraph (A) in a
5 segregated housing unit shall be limited and
6 temporary.

7 “(2) PROHIBITION ON SHACKLING.—A Federal
8 penal or correctional institution may not use instru-
9 ments of restraint, including handcuffs, chains,
10 irons, straitjackets, or similar items, on a prisoner
11 who is pregnant, or in the postpartum period.

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

15 “(f) TRAUMA-INFORMED CARE.—

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

19 “(2) IDENTIFICATION AND REFERRAL.—The
20 Director shall provide training to each correctional
21 officer and each other employee of the Bureau of
22 Prisons who regularly interacts with prisoners, in-
23 cluding health care professionals and instructors, to
24 enable the employees to identify prisoners with trau-

1 ma and refer those prisoners to the proper
2 healthcare professional for treatment.

3 “(g) MENTORING BY FORMER PRISONERS.—The Di-
4 rector shall promulgate regulations under which an indi-
5 vidual who was formerly incarcerated in a Federal penal
6 or correctional institution may access such an institution
7 to—

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

9 “(2) assist prisoners in reentry.

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

13 “(1) prisoner transportation;

14 “(2) use of segregated housing;

15 “(3) strip searches of prisoners; and

16 “(4) civil rights violations.

17 “(i) TELECOMMUNICATIONS.—

18 “(1) IN GENERAL.—The Director—

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

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

24 “(2) RULE OF CONSTRUCTION.—Nothing in
25 paragraph (1)(B) shall be construed to authorize the

1 Director to use videoconferencing as a substitute for
2 in-person visits.

3 “(j) INMATE HEALTH.—

4 “(1) HEALTHCARE PRODUCTS.—

5 “(A) AVAILABILITY.—The Director shall
6 make the healthcare products described in sub-
7 paragraph (C) available to prisoners for free, in
8 a quantity that is appropriate to the healthcare
9 needs of each prisoner.

10 “(B) QUALITY OF PRODUCTS.—The Direc-
11 tor shall ensure that the healthcare products
12 provided under this paragraph conform with ap-
13 plicable industry standards.

14 “(C) PRODUCTS.—The healthcare products
15 described in this subparagraph are—

16 “(i) tampons;

17 “(ii) sanitary napkins;

18 “(iii) moisturizing soap, which may
19 not be lye-based;

20 “(iv) shampoo;

21 “(v) body lotion;

22 “(vi) Vaseline;

23 “(vii) toothpaste;

24 “(viii) toothbrushes;

25 “(ix) aspirin;

1 “(x) ibuprofen; and

2 “(xi) any other healthcare product
3 that the Director determines appropriate.

4 “(2) GYNECOLOGIST ACCESS.—The Director
5 shall ensure that female prisoners have access to a
6 gynecologist.

7 “(k) USE OF SEX-APPROPRIATE CORRECTIONAL OF-
8 FICERS.—

9 “(1) REGULATIONS.—The Director shall pro-
10 mulgate regulations under which—

11 “(A) a correctional officer may not conduct
12 a strip search of a prisoner of the opposite sex
13 unless—

14 “(i) the prisoner presents a risk of
15 immediate harm to herself or himself or
16 others; and

17 “(ii) no other correctional officer of
18 the same sex as the prisoner is available to
19 assist; and

20 “(B) a correctional officer may not enter a
21 restroom reserved for prisoners of the opposite
22 sex unless—

23 “(i)(I) a prisoner in the restroom pre-
24 sents a risk of immediate harm to herself
25 or himself or others; or

1 “(II) there is a medical emergency in
2 the restroom; and

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

5 “(2) RELATION TO OTHER LAWS.—Nothing in
6 paragraph (1) shall be construed to affect the re-
7 quirements under the Prison Rape Elimination Act
8 of 2003 (34 U.S.C. 30301 et seq.).”.

9 (b) SUBSTANCE ABUSE TREATMENT.—Section
10 3621(e) of title 18, United States Code, is amended by
11 adding at the end the following:

12 “(7) ELIGIBILITY OF PRIMARY CARETAKER
13 PARENTS AND PREGNANT WOMEN.—The Bureau of
14 Prisons may not prohibit a prisoner who is a pri-
15 mary caretaker parent (as defined in section 4050)
16 or pregnant from participating in a program of resi-
17 dential substance abuse treatment provided under
18 paragraph (1) based on the failure of the individual,
19 before being committed to the custody of the Bu-
20 reau, to disclose to any official that the individual
21 had a substance abuse problem.”.

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

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

1 **SEC. 403. OVERNIGHT VISIT PILOT PROGRAM.**

2 (a) DEFINITIONS.—In this section—

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

5 (2) the term “primary caretaker parent” has
6 the meaning given the term in section 31903 of the
7 Violent Crime Control and Law Enforcement Act of
8 1994 (34 U.S.C. 12242); and

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

12 (b) PILOT PROGRAM.—The Director shall carry out
13 a pilot program under which prisoners who are primary
14 caretaker parents and meet eligibility criteria established
15 by the Director may receive overnight visits from family
16 members.

17 (c) ELIGIBILITY CRITERIA.—In establishing eligi-
18 bility criteria for the pilot program under subsection (b),
19 the Director shall—

20 (1) require that a prisoner have displayed good
21 behavior; and

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