

SENATE BILL 759

E5
SB 776/22 – JPR

3lr1073
CF HB 523

By: **Senator Carter**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Pregnancy and Postpartum Support**
3 **(Prevention of Forced Infant Separation Act)**

4 FOR the purpose of requiring the Division of Correction to allow a certain pregnant woman
5 and a certain woman who recently gave birth to transfer to the prerelease unit for
6 women for a certain time period; establishing the Healthy Start Bonding Program to
7 facilitate strong bonds between incarcerated women and their children; requiring
8 the Division to allow liberal visitation between certain individuals and certain
9 children under certain circumstances; and generally relating to pregnancy and
10 postpartum support for incarcerated women and their children.

11 BY adding to

12 Article – Correctional Services

13 Section 3–901 through 3–903 to be under the new subtitle “Subtitle 9. Pregnancy
14 and Postpartum Support”

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Correctional Services**

20 **SUBTITLE 9. PREGNANCY AND POSTPARTUM SUPPORT.**

21 **3–901.**

22 **(A) THE DIVISION SHALL ALLOW A PREGNANT WOMAN CLASSIFIED TO BE IN**
23 **PRERELEASE STATUS TO RELOCATE TO THE PRERELEASE UNIT FOR WOMEN**
24 **THROUGHOUT THE DURATION OF HER PREGNANCY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THE DIVISION SHALL ALLOW AN INMATE WHO IS CLASSIFIED TO BE IN**
2 **PRERELEASE STATUS AND RECENTLY GAVE BIRTH AND HER CHILD TO RESIDE IN**
3 **THE PRERELEASE UNIT FOR WOMEN FOR UP TO 1 YEAR FOLLOWING THE BIRTH OF**
4 **THE CHILD.**

5 **3-902.**

6 **(A) THERE IS A HEALTHY START BONDING PROGRAM.**

7 **(B) THE PURPOSE OF THE PROGRAM IS TO FACILITATE STRONG BONDS**
8 **BETWEEN INCARCERATED WOMEN AND THEIR CHILDREN.**

9 **(C) THE DIVISION SHALL DEVELOP THE PROGRAM IN CONSULTATION WITH**
10 **PROFESSIONALS WITH EXPERTISE RELATING TO MATERNAL AND CHILD HEALTH**
11 **AND WELL-BEING.**

12 **(D) THE PROGRAM SHALL BE OFFERED AT THE PRERELEASE UNIT FOR**
13 **WOMEN AND THE MARYLAND CORRECTIONAL INSTITUTION FOR WOMEN.**

14 **3-903.**

15 **(A) THE DIVISION SHALL ALLOW THE FATHER OR SECONDARY CARETAKER**
16 **OF A CHILD RESIDING AT THE PRERELEASE UNIT FOR WOMEN LIBERAL VISITATION**
17 **WITH THE CHILD IF THE VISITATION IS OTHERWISE LEGALLY ALLOWED.**

18 **(B) THE DIVISION SHALL ALLOW AN INMATE AT THE MARYLAND**
19 **CORRECTIONAL INSTITUTION FOR WOMEN LIBERAL VISITATION WITH HER CHILD.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2023.