

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 285 Introduced BR # 1126 DOC ID #: xxxx

BILL SPONSOR(S): Rep. A. Scott AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to pregnant inmates.

**SUMMARY OF LEGISLATION:** Amend KRS 196.173 to allow an inmate who is known to be pregnant or who has given birth in the last six weeks access to reasonable accommodations for the provision of available certified professional midwifery services or doula services.

**AMENDMENT:** .

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This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

- |                                                                                                                   |                                                                  |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Creates new crime(s)                                                                     | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)                                                  | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                                                                  | <input type="checkbox"/> Decreases incarceration                 |
| <input type="checkbox"/> Reduces inmate/offender services                                                         | <input type="checkbox"/> Increases inmate/offender services      |
| <input type="checkbox"/> Increases staff time or positions                                                        | <input type="checkbox"/> Reduces staff time or positions         |
| <input type="checkbox"/> Changes elements of offense for existing crime(s)                                        |                                                                  |
| <input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <i>Impacts correctional policy.</i> |                                                                  |

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**STATE IMPACT:** Class A, B, & C felonies are based on an average daily prison rate of \$80.24. Community Custody Class C and most Class D felons are housed in one of seventy-seven (77) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$37.35 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).\*

**Projected Impact:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

HB 285 requires a pregnant female or a female who has given birth within six weeks who is housed in a correctional institution to be provided reasonable accommodations for the provision of available certified professional midwife services or doula services. The legislation requires that the individuals providing services be granted access into the facility and allows to attend and assist during the birth where feasible, and if so authorized by the inmate, access to the inmate's health care information. Certified professional midwifery services and doula services are defined.

Security clearances would be required for those coming into the facility to provide services under the legislation. The service provider would agree to abide by security protocols and specific institutional policies (such as PREA requirements). There may be some services typically provided by midwives and doulas that are not applicable within a correctional setting.

Current policy is that inmates are transported to a medical facility for childbirth, where the midwife or doula could attend the individual. Prenatal and postpartum care is delivered by board certified medical providers under the Department's medical contract.

If Medicaid does not cover these services, it is not clear who incurs the cost of these services. Medicaid coverage may be impacted due to the incarcerated status, as well. There may be a fiscal impact to the Department if it is interpreted that the Department would be required to provide these services.

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**LOCAL IMPACT:** Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. The estimated impact will be based on the \$37.35 cost to incarcerate while \$31.34 is the per diem and medical that DOC pays jails to house felony offenders. Since the cost to incarcerate is an estimated average cost of housing an inmate, this may not be the actual housing cost for the jail.\*

**Projected Impact:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

The legislation would have a similar impact for county detention centers. Jails currently transport the inmate to outside medical providers for prenatal/post-partum care, with the inmate admitted to a hospital for childbirth.

**Projected Corrections Impact from Amendments:**

*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

**The following offices contributed to this Corrections Impact Statement:**

Dept. of Corrections  Dept. of Kentucky State Police  Administrative Office of the Courts  Parole Board  Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population, lengthens the term or incarceration, or impose new obligations on state or local governments.

**APPROVED BY:**

  
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Chief of Staff, Kentucky Department of Corrections

**2/14/2021**

Date