

117TH CONGRESS  
1ST SESSION

# H. R. 120

To enhance public health and safety by improving the effectiveness and efficiency of the Federal prison system for incarcerated pregnant women and mothers by establishing a pilot program of critical-stage, developmental nurseries in Federal prisons for children born to inmates, with risk and needs assessments, and risk and recidivism reduction.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To enhance public health and safety by improving the effectiveness and efficiency of the Federal prison system for incarcerated pregnant women and mothers by establishing a pilot program of critical-stage, developmental nurseries in Federal prisons for children born to inmates, with risk and needs assessments, and risk and recidivism reduction.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Stop Infant Mortality  
3 And Recidivism Reduction Act of 2021” or the  
4 “SIMARRA Act”.

5 **SEC. 2. ESTABLISHMENT.**

6       Not later than 270 days after the date of the enact-  
7 ment of this Act, the Director of the Federal Bureau of  
8 Prisons (hereinafter referred to as the “Director”) shall  
9 establish a pilot program (hereinafter referred to as the  
10 “Program”) in accordance with this Act to permit women  
11 incarcerated in Federal prisons and the children born to  
12 such women during incarceration to reside together while  
13 the inmate serves a term of imprisonment in a separate  
14 housing wing of the prison.

15 **SEC. 3. PURPOSES.**

16       The purposes of the Act are to—

17           (1) prevent infant mortality among infants born  
18       to incarcerated mothers and greatly reduce the trauma  
19       and stress experienced by the unborn fetuses of  
20       pregnant inmates;

21           (2) reduce the recidivism rates of federally in-  
22       carcerated women and mothers, and enhance public  
23       safety by improving the effectiveness of the Federal  
24       prison system for women as a population with special  
25       needs;

1           (3) establish female offender risk and needs as-  
2           sessment as the cornerstones of a more effective and  
3           efficient Federal prison system;

4           (4) implement a validated post-sentencing risk  
5           and needs assessment system that relies on dynamic  
6           risk factors to provide Federal prison officials with  
7           a roadmap to address the pre- and post-natal needs  
8           of Federal pregnant offenders, manage limited re-  
9           sources, and enhance public safety;

10          (5) perform regular outcome evaluations of the  
11          effectiveness of programs and interventions for fed-  
12          erally incarcerated pregnant women and mothers to  
13          assure that such programs and interventions are evi-  
14          dence-based and to suggest changes, deletions, and  
15          expansions based on the results of such evaluations;  
16          and

17          (6) assist the Department of Justice to address  
18          the underlying cost structure of the Federal prison  
19          system and ensure that the Department can con-  
20          tinue to run prison nurseries safely and securely  
21          without compromising the scope or quality of the  
22          Department's critical health, safety and law enforce-  
23          ment missions.

1 **SEC. 4. DUTIES OF THE DIRECTOR OF FEDERAL BUREAU**  
2 **OF PRISONS.**

3 (a) IN GENERAL.—The Director shall carry out this  
4 section in consultation with—

5 (1) a licensed and board-certified gynecologist  
6 or obstetrician;

7 (2) the Director of the Administrative Office of  
8 the United States Courts;

9 (3) the Director of the Office of Probation and  
10 Pretrial Services;

11 (4) the Director of the National Institute of  
12 Justice; and

13 (5) the Director of the U.S. Department of  
14 Health & Human Services.

15 (b) DUTIES.—The Director shall, in accordance with  
16 subsection (c)—

17 (1) develop an offender risk and needs assess-  
18 ment system particular to the health and sensitivi-  
19 ties of federally incarcerated pregnant women and  
20 mothers in accordance with this section;

21 (2) develop recommendations regarding recidi-  
22 vism reduction programs and productive activities in  
23 accordance with section 9;

24 (3) conduct ongoing research and data analysis  
25 on—

1 (A) the best practices relating to the use of  
2 offender risk and needs assessment tools par-  
3 ticular to the health and sensitivities of feder-  
4 ally incarcerated pregnant women and mothers;

5 (B) the best available risk and needs as-  
6 sessment tools particular to the health and sen-  
7 sitivities of federally incarcerated pregnant  
8 women and mothers and the level to which they  
9 rely on dynamic risk factors that could be ad-  
10 dressed and changed over time, and on meas-  
11 ures of risk of recidivism, individual needs, and  
12 responsivity to recidivism reduction programs;

13 (C) the most effective and efficient uses of  
14 such tools in conjunction with recidivism reduc-  
15 tion programs, productive activities, incentives,  
16 and rewards; and

17 (D) which recidivism reduction programs  
18 are the most effective—

19 (i) for federally incarcerated pregnant  
20 women and mothers classified at different  
21 recidivism risk levels; and

22 (ii) for addressing the specific needs  
23 of federally incarcerated pregnant women  
24 and mothers;

1           (4) on a biennial basis, review the system devel-  
2       oped under paragraph (1) and the recommendations  
3       developed under paragraph (2), using the research  
4       conducted under paragraph (3), to determine wheth-  
5       er any revisions or updates should be made, and if  
6       so, make such revisions or updates;

7           (5) hold periodic meetings with the individuals  
8       listed in subsection (a) at intervals to be determined  
9       by the Director; and

10          (6) report to Congress in accordance with sec-  
11       tion 9.

12       (c) METHODS.—In carrying out the duties under sub-  
13       section (b), the Director shall—

14           (1) consult relevant stakeholders; and

15           (2) make decisions using data that is based on  
16       the best available statistical and empirical evidence.

17       **SEC. 5. ELIGIBILITY.**

18       An inmate may apply to participate in the Program  
19       if the inmate—

20           (1) is pregnant at the beginning of the term of  
21       imprisonment; and

22           (2) is in the custody or control of the Federal  
23       Bureau of Prisons.

1 **SEC. 6. PROGRAM TERMS.**

2 (a) TERM OF PARTICIPATION.—To correspond with  
3 the purposes and goals of the program to promote bonding  
4 during the critical stages of child development, an eligible  
5 inmate selected for the Program may participate in the  
6 Program, subject to section 7, for the shorter of the in-  
7 mate’s term of imprisonment or 30 months.

8 (b) INMATE REQUIREMENTS.—For the duration of  
9 an inmate’s participation in the Program, the inmate shall  
10 agree to—

11 (1) accept the responsibility of child-rearing;

12 (2) participate in any educational or counseling  
13 opportunities established by the Director, including  
14 topics such as child development, parenting skills,  
15 domestic violence, vocational training, or substance  
16 abuse;

17 (3) abide by any court decision regarding the  
18 legal or physical custody of the child;

19 (4) transfer to the Federal Bureau of Prisons  
20 any child support payments for the infant of the  
21 participating inmate from any person or govern-  
22 mental entity; and

23 (5) specify a person who has agreed to take  
24 custody of the child if the inmate’s participation in  
25 the Program terminates before the inmate’s release.

1 **SEC. 7. TERMINATION OF PARTICIPATION.**

2 An inmate's participation in the Program terminates  
3 upon the earliest of the following to occur:

4 (1) The inmate is released from prison.

5 (2) The inmate fails to meet any medical criteria  
6 established by the Director or the Director's des-  
7 ignee along with a collective determination of the  
8 persons listed in section 4(a).

9 **SEC. 8. CONTINUITY OF CARE.**

10 The Director shall take appropriate actions to pre-  
11 vent detachment or disruption of either an inmate's or in-  
12 mate's health and bonding-based well-being due to termi-  
13 nation of the Program.

14 **SEC. 9. REPORTING.**

15 (a) IN GENERAL.—Not later than 6 months after the  
16 date of the enactment of this Act and once every year  
17 thereafter for 5 years, the Director shall submit a report  
18 to the Congress with regards to progress in implementing  
19 the Program.

20 (b) FINAL REPORT.—Not later than 6 months after  
21 the termination of the Program, the Director shall issue  
22 a final report to the Congress that contains a detailed  
23 statement of the Director's findings and conclusions, in-  
24 cluding recommendations for legislation, administrative  
25 actions, and regulations the Director considers appro-  
26 priate.



1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2       To carry out this Act, there is authorized to be appro-  
3 priated \$10,000,000 for each of fiscal years 2021 through  
4 2025.

