



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

**VETOED**

**AMENDED**

FACT SHEET FOR S.B. 1526

prisoners; training; individual certificates

Purpose

Requires the Arizona Department of Corrections (ADC) to take specified actions regarding the treatment of female inmates, pregnant prisoners and prisoners who are parents of a minor child. Requires a prisoner who successfully completes a training program to receive an individual certificate.

Background

Statute requires the Director of ADC (Director) to provide medical and health services for prisoners. The Director may contract for professional services to assist the Director in carrying out this responsibility on behalf of the state, except that all records made and retained in connection with specified services must be made and retained only by duly authorized or qualified medical and professional personnel and not by any prisoner ([A.R.S. § 31-201.01](#)).

The work-based education (WBE) programs are designed to assist offenders in gaining marketable employment skills. ADC provides WBE instruction to prisoners who possess a high school diploma or Graduate Equivalency Degree but have no identifiable work or employment skills. WBE programs range from six months to two years in duration. According to ADC, the skills gained through these programs may assist offenders in obtaining work within the prison setting, as well as upon release ([ADC](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Female Inmates***

1. Requires the Director to, on request of a female inmate, provide the inmate with a sufficient supply of feminine hygiene products.
2. Prohibits the Director from charging a female inmate for feminine hygiene products.
3. Requires ADC to adopt rules that, to the greatest extent possible and consistent with safety and order, limit a male correctional officer from conducting an inspection or search of a female prisoner who is in a state of undress, but that do not limit the ability of a male correctional officer to conduct an inspection or search if a female correctional officer is not available.
4. Requires a male correctional officer to, within 72 hours after an inspection or search of a female prisoner, to submit a report to the warden of the correctional facility that provides justification for the inspection or search if the female prisoner was clearly in a state of undress in a private area, including a shower, a medical examination room or toilet area, or the location in which the female prisoner is undergoing a body cavity search.

***Prisoners Who Are Parents***

5. Requires ADC, to the greatest extent possible and after accounting for security and capacity factors, to place a prisoner who is a parent of a minor child in a prison facility that is located within 250 miles of the prisoner's permanent address on record.
6. Requires ADC to adopt rules that authorize a prisoner who is a parent of a minor child and who is classified as a low or minimum-security risk to be visited by the minor and, at a minimum:
  - a) provide opportunities for a child who is under 18 years old to visit the child's incarcerated parent at least two times each week unless an ADC employee has a reasonable belief that the dependent child may be harmed during visitation or poses a security risk due to the prisoner's gang affiliation, a prior conviction or a previous violation of a contraband policy;
  - b) eliminate restrictions on the number of dependent children who are under 18 years old who are granted visitation privileges; and
  - c) authorize contact visits for a prisoner who is a parent of a minor child.

***Pregnant Prisoners and Prisoners Who Have Recently Given Birth***

7. Prohibits a correctional institution, after confirming that a prisoner or detainee is pregnant, from using restraints on the pregnant prisoner or detainee for the duration of the pregnancy and for 30 days following the delivery of a child.
8. Decreases, from 14 days to 72 hours, the time in which the corrections official must make written findings if restraints are used on a pregnant prisoner or detainee.
9. Prohibits a correctional employee who is not a licensed healthcare professional from conducting a body cavity search on a pregnant prisoner or detainee unless the correctional employee has a reasonable belief that the pregnant prisoner or detainee is concealing contraband.
10. Requires a correctional institution to ensure that a pregnant prisoner or detainee is provided sufficient food and dietary supplements when ordered by the attending medical staff or a nutritionist that meet generally accepted prenatal nutritional guidelines for pregnant women.
11. Requires a correctional institution, during the first 72 hours after a prisoner or detainee gives birth, to provide all necessary hygiene and nutritional products to the prisoner or detainee, and if the prisoner or detainee is indigent, provide such products without cost to the prisoner or detainee.
12. Prohibits a correctional institution from placing a pregnant prisoner or detainee or a prisoner or detainee who has given birth within the past 30 days in restrictive housing unless a corrections official makes an individualized determination that the prisoner or detainee presents an extraordinary circumstance.
13. Requires a corrections official to provide written findings within 72 hours as to the extraordinary circumstance that dictates the placement of a prisoner or detainee who is pregnant or has given birth within the past 30 days in restrictive housing.

14. Requires a correctional institution to:
  - a) keep findings of the extraordinary circumstance on file for at least two years; and
  - b) make the findings available for public inspection unless otherwise dictated by state or federal law.
15. Prohibits a correctional institution from placing a pregnant prisoner or detainee or a prisoner or detainee who has given birth within the past 30 days in a bed that is elevated more than three feet from the floor of the correctional institution.
16. Requires a corrections official to:
  - a) compile a monthly summary of reports regarding the use of restraints on, placement in restrictive housing of and cavity search of pregnant prisoners or prisoners who have given birth within the past 30 days; and
  - b) provide the reports to the Director each month.
17. Requires the correctional institution to allow a newborn baby to remain with the mother for 72 hours following delivery unless the attending medical staff has a reasonable belief that remaining with the mother poses a health or safety risk to the newborn baby.
18. Requires ADC to develop and provide training that is related to the physical and mental health of a pregnant prisoner or detainee and the fetus to correctional employees who have contact with pregnant prisoners or detainees, including:
  - a) general care of a pregnant woman;
  - b) the impact of restraints on a pregnant prisoner or detainee and the fetus;
  - c) the impact on pregnant prisoners or detainees who are placed in restrictive housing; and
  - d) the impact of an invasive body cavity search on a pregnant prisoner or detainee.
19. Requires ADC to develop and provide to pregnant prisoners and detainees educational programming that includes:
  - a) prenatal care;
  - b) pregnancy-specific hygiene;
  - c) parenting skills;
  - d) the impact of alcohol and drugs on the fetus; and
  - e) general health topics for children.
20. Requires all Arizona correctional institutions, within 30 days after the general effective date of this legislation, to adopt rules or policies in accordance with new requirements regarding pregnant prisoners or prisoners who have given birth within the past 30 days within 30 days after the general effective date.

### ***Prisoners in Training Programs***

21. Requires a prisoner who successfully completes a training program that results in certification to work in a specific field or trade to receive an individual certificate that includes:
  - a) the prisoner's name;
  - b) the date of the training; and
  - c) information that the prisoner successfully completed the training program and is certified to work in that specific field or trade.

*Miscellaneous*

22. Defines *feminine hygiene products* as tampons, sanitary napkins, menstrual sponges, menstrual cups and similar items that are used for a menstrual cycle.
23. Defines *state of undress* as a female prisoner being partially or fully naked.
24. Retitles Title 31, Chapter 5 of the Arizona Revised Statutes from *Restraints on Pregnant Prisoners* to *Limited Restriction for Pregnant Prisoners and Prisoners with Children*.
25. Cites this legislation as the *Dignity for Incarcerated Women Act*.
26. Makes conforming changes.
27. Becomes effective on the general effective date.

Amendments Adopted by the House

1. Requires the Director to provide female inmates with feminine hygiene products free of charge.
2. Requires ADC to adopt rules that limit a male correctional officer from inspecting or searching a female prisoner in a state of undress.
3. Requires ADC to adopt rules that increase contact between a prisoner who is a parent of a minor child and the child, with exceptions.
4. Prohibits a correctional institution from using restraints on, conducting a body cavity search of or placing in restrictive housing a prisoner who is pregnant or who gave birth within the past 30 days, with exceptions.
5. Requires a correctional institution to take specified actions regarding the health and hygiene of pregnant prisoners.
6. Outlines reporting requirements for specified actions taken by corrections officials regarding pregnant prisoners.
7. Defines key terms.

Governor's Veto Message

The Governor indicates in his [veto message](#) that his priority at this time is the FY 2022 state budget.

Senate Action

JUD            2/18/21            DP    8-0-0  
3<sup>rd</sup> Read        2/25/21

House Action

MAPS            3/8/21            DP    14-0-0  
3<sup>rd</sup> Read        5/13/21            53-6-1

Vetoed by the Governor 5/28/21

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