

SECOND REGULAR SESSION

HOUSE BILL NO. 2439

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUBBARD.

6241H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to a pilot project for increasing children's access to incarcerated parents.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be
2 known as section 217.145, to read as follows:

217.145. 1. **Beginning January 1, 2017, the department of corrections, with the
2 cooperation of the children's division, shall establish a two-year pilot project to increase
3 the access that children ages newborn to seventeen have to incarcerated parents who still
4 have parental rights; except that, a person who has pled guilty to or been found guilty of
5 any of the offenses listed in subsection 1 of section 210.117 when the victim of the crime is
6 a child or of child abuse under section 568.060 shall not be eligible to participate in the
7 program.**

8 **2. The project shall include four prison facilities, two that house women and two
9 that house men.**

10 **3. The department of corrections and the children's division shall collaborate to
11 develop and implement the project to increase the access children have to incarcerated
12 parents who still have parental rights by:**

13 **(1) Providing transportation for a child or children and their caretaker for visits
14 with the parent monthly. The caretaker shall be required to attend the visit; or**

15 **(2) Any other means available to increase visitation between children and
16 incarcerated parents.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **4. The project shall focus on, but shall not be limited to, children who live fifty or**
18 **more miles from the facility where their parents are incarcerated.**

19 **5. The department of corrections and the children's division may promulgate rules**
20 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
21 **defined in section 536.010, that is created under the authority delegated in this section shall**
22 **become effective only if it complies with and is subject to all of the provisions of chapter**
23 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
24 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
25 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
26 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
27 **after August 28, 2016, shall be invalid and void.**

28 **6. The pilot project shall be funded from existing appropriations or with any**
29 **moneys specifically appropriated for it, with the funds being equally divided between**
30 **children visiting male and female parents.**

31 **7. At the end of the two-year pilot, the director of the department of corrections and**
32 **the director of the children's division shall submit a joint report to the governor and the**
33 **general assembly on the efficacy of the pilot on both the children and the incarcerated**
34 **parents as well as the cost of the program and shall recommend as to whether the project**
35 **should be expanded to every prison facility and, if so, any changes which should be made**
36 **to the program.**

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