

118TH CONGRESS
1ST SESSION

H. R. 1490

To secure the dignity and safety of incarcerated women.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2023

Mr. CRAWFORD (for himself, Mr. DONALDS, Mr. WEBER of Texas, Mr. BACON, Mr. BUCSHON, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To secure the dignity and safety of incarcerated women.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Violence
5 Against Female Inmates Act of 2023”.

6 **SEC. 2. HOUSING PRISONERS BASED ON SEX.**

7 (a) FEDERAL PRISONS.—

8 (1) IN GENERAL.—Chapter 303 of title 18,
9 United States Code, is amended by adding at the
10 end the following:

1 **“§ 4052. Bar on housing together prisoners of dif-**
2 **ferent sexes**

3 “(a) DEFINITION.—In this section, the term ‘biologi-
4 cal sex’ means the biological classification of male and fe-
5 male in the context of reproductive potential or capacity,
6 as indicated by sex chromosomes, naturally occurring sex
7 hormones, gonads, and nonambiguous internal and exter-
8 nal genitalia present at birth.

9 “(b) BAR.—The Bureau of Prisons—

10 “(1) shall use the biological sex of persons
11 charged with or convicted of offenses against the
12 United States in making determinations regarding
13 housing such persons; and

14 “(2) shall not co-locate in detention facilities
15 persons charged with or convicted of offenses
16 against the United States if those persons are not
17 of the same biological sex, except that persons
18 charged with or convicted of offenses against the
19 United States who are not of the same biological sex
20 may be co-located on a temporary basis, not includ-
21 ing overnight housing.”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENT.—The table of sections for chapter 303 of
24 title 18, United States Code, is amended by adding
25 at the end the following:

“4052. Bar on housing together prisoners of different sexes.”.

1 (b) STATE PRISONS.—Section 501 of title I of the
2 Omnibus Crime Control and Safe Streets Act of 1968 (34
3 U.S.C. 10152) is amended by adding at the end the fol-
4 lowing:

5 “(i) BAR ON HOUSING TOGETHER PRISONERS OF
6 DIFFERENT SEXES.—

7 “(1) DEFINITIONS.—In this subsection, the
8 term ‘biological sex’ has the meanings given such
9 terms in section 4051 of title 18, United States
10 Code.

11 “(2) LIMITATION ON ELIGIBILITY FOR
12 FUNDS.—Beginning in the first fiscal year beginning
13 after the date of enactment of this subsection, a
14 State may not receive funds under this subpart for
15 a fiscal year if the State does not submit to the At-
16 torney General a certification that the State—

17 “(A) prohibits co-locating in detention fa-
18 cilities persons charged with or convicted of of-
19 fenses under the law of the State if those per-
20 sons are not of the same biological sex, except
21 that persons charged with or convicted of of-
22 fenses against the United States who are not of
23 the same biological sex may be co-located on a
24 temporary basis, not including overnight hous-
25 ing; and

1 “(B) requires the use of the biological sex
2 of persons charged with or convicted of offenses
3 under the law of the State in making deter-
4 minations regarding housing such persons.”.

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