

117TH CONGRESS
2D SESSION

S. 5206

To improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2022

Mr. BOOKER (for himself and Ms. WARREN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To improve the treatment of Federal prisoners who are
primary caretaker parents, and for other purposes.

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 “Dignity Act”.

5 **SEC. 2. IMPROVING THE TREATMENT OF PRIMARY CARE-**

6 **TAKER PARENTS AND OTHER INDIVIDUALS**

7 **IN FEDERAL PRISONS.**

8 Section 4051 of title 18, United States Code, is
9 amended by adding at the end the following:

1 “(i) VISITATION RULES.—The Director shall promul-
2 gate regulations for visitation between prisoners who are
3 primary caretaker parents and their family members
4 under which—

5 “(1) a prisoner may receive visits not fewer
6 than 6 days per week, which shall include Saturday
7 and Sunday;

8 “(2) a covered institution shall be open for visi-
9 tation for not fewer than 8 hours per day;

10 “(3) a prisoner may have up to 5 adult visitors
11 and an unlimited number of child visitors per visit;
12 and

13 “(4) a prisoner may have physical contact with
14 visitors unless the prisoner presents an immediate
15 physical danger to the visitors.

16 “(j) OMBUDSMAN.—The Attorney General shall des-
17 ignate an ombudsman to oversee and monitor, with re-
18 spect to covered institutions—

19 “(1) prisoner transportation;

20 “(2) use of segregated housing;

21 “(3) strip searches of prisoners; and

22 “(4) civil rights violations.

23 “(k) TELECOMMUNICATIONS.—

24 “(1) IN GENERAL.—The Director—

1 “(A) may not charge a fee for a telephone
2 call made by a prisoner; and

3 “(B) shall make videoconferencing avail-
4 able to prisoners in each covered institution free
5 of charge.

6 “(2) RULE OF CONSTRUCTION.—Nothing in
7 paragraph (1)(B) shall be construed to authorize the
8 Director to use videoconferencing as a substitute for
9 in-person visits.

10 “(1) USE OF SEX-APPROPRIATE CORRECTIONAL OF-
11 FICERS.—

12 “(1) REGULATIONS.—The Director shall make
13 rules under which—

14 “(A) a correctional officer may not conduct
15 a strip search of a prisoner of the opposite sex
16 unless—

17 “(i) the prisoner presents a risk of
18 immediate harm to the prisoner or others,
19 and no other correctional officer of the
20 same sex as the prisoner, or medical staff,
21 is available to assist; or

22 “(ii) the prisoner has previously re-
23 quested that an officer of a different sex
24 conduct searches;

1 “(B) a correctional officer may not enter a
2 restroom reserved for prisoners of the opposite
3 sex unless—

4 “(i) a prisoner in the restroom pre-
5 sents a risk of immediate harm to the pris-
6 oner or others; or

7 “(ii) there is a medical emergency in
8 the restroom and no other correctional offi-
9 cer of the appropriate sex is available to
10 assist;

11 “(C) a transgender prisoner’s sex shall be
12 determined according to the sex with which the
13 prisoner identifies; and

14 “(D) a correctional officer may not search
15 or physically examine a prisoner for the sole
16 purpose of determining the prisoner’s genital
17 status or sex.

18 “(2) RELATION TO OTHER LAWS.—Nothing in
19 paragraph (1) shall be construed to affect the re-
20 quirements under the Prison Rape Elimination Act
21 of 2003 (34 U.S.C. 30301 et seq.).”.

22 **SEC. 3. OVERNIGHT VISIT PILOT PROGRAM.**

23 (a) DEFINITIONS.—In this section—

24 (1) the term “Director” means the Director of
25 the Bureau of Prisons;

1 (2) the term “primary caretaker parent” has
2 the meaning given the term in section 31903 of the
3 Family United Demonstration Project Act (34
4 U.S.C. 12242); and

5 (3) the term “prisoner” means an individual
6 who is incarcerated in a Federal penal or correc-
7 tional institution.

8 (b) PILOT PROGRAM.—The Director shall carry out
9 a pilot program under which prisoners who are primary
10 caretaker parents and meet eligibility criteria established
11 by the Director may receive overnight visits from family
12 members.

13 (c) ELIGIBILITY CRITERIA.—In establishing eligi-
14 bility criteria for the pilot program under subsection (b),
15 the Director shall—

16 (1) require that a prisoner have displayed good
17 behavior; and

18 (2) prohibit participation by any prisoner who
19 has been convicted of a crime of violence (as defined
20 in section 16 of title 18, United States Code).

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