## A BILL FOR AN ACT

RELATING TO CORRECTIONS.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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### PART I

2 SECTION 1. The legislature finds that some inmates 3 released on parole would prefer not to become pregnant during 4 their reintegration period, but are often faced with a lack of 5 funding, healthcare, and access to contraceptives during the 6 first few months on parole. Providing these inmates with the 7 option to access prescription or non-prescription 8 contraceptives, or both, immediately prior to release would help 9 to reduce unplanned pregnancies and support parolees during this

10 critical period.

11 The legislature further finds that inmates from more rural 12 islands are often transferred to facilities on Oahu or in other 13 states due to space and staffing considerations. However, for 14 inmates who are breastfeeding, this transfer virtually 15 eliminates the possibility of the inmate's child continuing to 16 receive nutrients from breastfeeding. The American Academy of 17 Pediatrics recommends exclusive breastfeeding of infants for the

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first six months of life before introducing nutritious
complementary foods and encourages social and systemic changes
to support mothers who choose to breastfeed.

4 Studies show that, if allowed to express milk for their 5 children, incarcerated mothers have better mental health 6 outcomes following the birth of, and separation from, the 7 mother's infants. Infants benefit from the increased maternal 8 attachment and the developmental, digestive, and immunological 9 properties of breast milk. Premature babies, who are often born 10 to incarcerated mothers, have a greater need for the protective 11 properties of breast milk. Providing nursing accommodations to 12 incarcerated women can help provide better mental health 13 outcomes and hormonal regulation for the mother, leading to 14 improved behavior; health cost savings for both the child and 15 mother; and an increased connection between the mother and 16 child, leading to lower recidivism rates.

17 Accordingly, the purpose of this Act is to lower recidivism18 rates in the State by:

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(1) Authorizing certain incarcerated mothers to:

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1	(A)	Either directly breastfeed any of the	
2		incarcerated mother's eligible children or to	
3		express milk for delivery to the child; and	
4	(B)	Elect to be committed to a correctional facility	
5		in the incarcerated mother's home county; and	
6	(2) Requ	iring the Hawaii paroling authority to provide	
7	free	contraception to parolees.	
8		PART II	
9	SECTION 2	. Chapter 353, Hawaii Revised Statutes, is	
10	amended by add	ing a new section to part I to be appropriately	
11	designated and	to read as follows:	
12	" <u>§</u> 353–	Breastfeeding. Any inmate who is pregnant or a	
13	mother to a ch	ild under six months of age may either breastfeed	
14	the child dire	ctly or express milk for delivery to the child, or	
15	both; provided	that if the inmate chooses to express milk for	
16	delivery to th	e child, the department of public safety shall	
17	make available any accommodations necessary for the milk to be		
18	expressed, fro	zen, stored, and delivered to the child."	
19	SECTION 3	. Section 706-672, Hawaii Revised Statutes, is	
20	amended to rea	d as follows:	

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1	"§706-672 Place of imprisonment. When a person is
2	sentenced to imprisonment, the court shall commit the person to
3	the custody of the department of public safety for the term of
4	the person's sentence and until released in accordance with law.
5	The director of public safety shall determine the proper program
6	of redirection and any place of confinement of the committed
7	person[-]; provided that, any person who is sentenced to
8	imprisonment and is either pregnant or a mother to a child under
9	six months of age may elect to be confined in a correctional
10	facility located within the county in which the person had a
11	permanent residence, occupation, or employment prior to
12	incarceration."
13	PART III
14	SECTION 4. Chapter 353, Hawaii Revised Statutes, is
15	amended by adding a new section to part II to be appropriately
16	designated and to read as follows:
17	" <u>\$353-</u> Contraceptives provided. Upon release on parole
18	of any paroled prisoner, the Hawaii paroling authority shall
19	make available, free of charge, to any paroled prisoner
20	prescription or over-the-counter contraception."

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1	PART IV
2	SECTION 5. Statutory material to be repealed is bracketed
3	and stricken. New statutory material is underscored.
4	SECTION 6. This Act shall take effect upon its approval.
5	INTRODUCED BY:

JAN 2 4 2023

### Report Title:

Hawaii Paroling Authority; Corrections; Inmates; Breastfeeding; Place of Imprisonment; Contraception

#### Description:

Authorizes certain inmates to either directly breastfeed any of the inmate's eligible children or to express milk for delivery to the child and to elect to be committed to a correctional facility in the inmate's home county. Requires the Hawaii Paroling Authority to provide free contraception to parolees.

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