

INTERIM STUDY PROPOSAL 2023-040

1  
2 State of Arkansas  
3 94th General Assembly  
4 Regular Session, 2023

**A Bill**

HOUSE BILL 1709

5  
6 By: Representative Scott

7 Filed with: House Committee on Aging, Children and Youth, Legislative and Military Affairs  
8 pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

9  
10 AN ACT TO CREATE THE CORRECTIONAL POSTNATAL AND EARLY  
11 CHILDHOOD ADVISORY BOARD; TO STUDY AND RESEARCH  
12 ISSUES RELATED TO INFANTS AND INCARCERATED MOTHERS;  
13 AND FOR OTHER PURPOSES.

**Subtitle**

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17 TO CREATE THE CORRECTIONAL POSTNATAL AND  
18 EARLY CHILDHOOD ADVISORY BOARD; AND TO  
19 STUDY AND RESEARCH ISSUES RELATED TO  
20 INFANTS AND INCARCERATED MOTHERS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. DO NOT CODIFY. Correctional Postnatal and Early Childhood  
26 Advisory Board – Creation – Powers and duties.

27 (a) As used in this section:

28 (1) "Correctional facility" means:

29 (A) A local or state correctional facility or detention  
30 facility that has the power to detain or restrain a person under the laws of  
31 the state, including a city jail, county jail, facility operated by the  
32 Division of Correction or the Division of Community Correction, or juvenile  
33 detention center; or

34 (B) A post-incarceration residential reentry facility  
35 designed to house a person on parole; and

1           (2) "Incarcerated mother" means an inmate or detainee who is  
2 pregnant, gives birth, or is in postpartum recovery while incarcerated or  
3 detained.

4           (b) There is created the Correctional Postnatal and Early Childhood  
5 Advisory Board within the Department of Corrections.

6           (c) The Correctional Postnatal and Early Childhood Advisory Board  
7 shall consist of the following members:

8                   (1) One (1) individual appointed by the Parole Board; and

9                   (2) Eight (8) individuals appointed by the Secretary of the  
10 Department of Corrections as follows:

11                           (A) Four (4) individuals from the department with two (2)  
12 of the four (4) individuals having experience in child care licensing;

13                           (B) Two (2) pediatric healthcare providers;

14                           (C) One (1) individual with expertise in early childhood  
15 development; and

16                           (D) One (1) individual with experience advocating for  
17 women who are inmates or detainees.

18           (d) The Correctional Postnatal and Early Childhood Advisory Board  
19 shall elect a chair and cochair of the Correctional Postnatal and Early  
20 Childhood Advisory Board from among the members of the Correctional Postnatal  
21 and Early Childhood Advisory Board.

22           (e)(1) The chair shall call a meeting of the Correctional Postnatal  
23 and Early Childhood Advisory Board at least one (1) time each month.

24                   (2) The secretary shall call the first meeting of the  
25 Correctional Postnatal and Early Childhood Advisory Board within thirty (30)  
26 days of the effective date of this act.

27           (f) A majority of the Correctional Postnatal and Early Childhood  
28 Advisory Board constitutes a quorum and a vote of the majority of the members  
29 present constitutes an action of the Correctional Postnatal and Early  
30 Childhood Advisory Board.

31           (g) A member of the Correctional Postnatal and Early Childhood  
32 Advisory Board may receive expense reimbursement under § 25-16-902.

33           (h) The Correctional Postnatal and Early Childhood Advisory Board  
34 shall:

1           (1) Review research regarding childhood development and best  
2 practices for infants of incarcerated mothers placed in a nursery located  
3 within a secure correctional environment in a correctional facility;

4           (2) Study the benefits of having a nursery for infants and  
5 incarcerated mothers located within a secure correctional environment and the  
6 benefits of placing an infant or incarcerated mothers in a diversion program  
7 removed from a secure correctional environment in a correction facility;

8           (3) Study the costs of implementing a diversion program for  
9 infants and incarcerated mothers removed from a secure correctional  
10 environment in a correctional facility;

11           (4) Create a provisional plan for implementing a diversion  
12 program for infants and incarcerated mothers removed from a secure  
13 correctional environment in a correctional facility; and

14           (5) Advise and make recommendations to the department regarding  
15 rules and policies for any nursery established by the department to provide  
16 space for incarcerated mothers and infants in a correctional facility.

17           (i)(1) On or before November 30, 2024, the Correctional Postnatal and  
18 Early Childhood Advisory Board shall submit a report, including any proposed  
19 legislation, to the:

20                   (A) Governor;

21                   (B) Speaker of the House of Representatives;

22                   (C) President Pro Tempore of the Senate;

23                   (D) House Committee on Judiciary; and

24                   (E) Senate Committee on Judiciary.

25           (2) The report shall include recommendations relating to  
26 certification of a nursery established in a secure correctional environment  
27 in a correctional facility that address:

28                   (A) The safety of the nursery for infants and incarcerated  
29 mothers;

30                   (B) The childhood developmental needs of the infants in  
31 the nursery;

32                   (C) The specific medical needs of the infants and  
33 incarcerated mothers in the nursery;

34                   (D) The appropriate needs of the incarcerated mothers in  
35 the nursery; and

1                   (E) Any other requirements recommended by the Correctional  
2 Postnatal and Early Childhood Advisory Board that the department deems  
3 necessary for the nursery.

4                   (j) This section and the Correctional Postnatal and Early Childhood  
5 Advisory Board expire on December 31, 2024.

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8 Referred requested by the Arkansas House of Representatives

9 Prepared by: JMB/SJA

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