

## **BILL ANALYSIS**

Senate Research Center  
87R17726 MCF-D

H.B. 1307  
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Criminal Justice  
5/17/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There is a need to create a safer and healthier environment for incarcerated pregnant women, many of whom are assaulted and abused during incarceration in state prison and in county jails. Many others suffer miscarriages during incarceration. Miscarriage, abuse, and physical and sexual assault are extremely detrimental to any pregnant woman's health, incarcerated or not, but the mental and physical health issues often present in the incarcerated female population as a whole are uniquely intensified for pregnant women who, while incarcerated, have had miscarriages or have been physically or sexually assaulted and abused.

H.B 1307 takes steps to improve outcomes for both mother and baby by requiring, after a sheriff or the Texas Department of Criminal Justice receives a report of a miscarriage or assault, a prompt review of the health care services provided to the incarcerated pregnant prisoner or inmate and requiring an applicable health professional to order additional health care services as appropriate.

H.B. 1307 amends current law relating to the care of pregnant women in county jail or in the custody of the Texas Department of Criminal Justice.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 501, Government Code, by adding Section 501.0668, as follows:

Sec. 501.0668. DUTIES FOLLOWING MISCARRIAGE OR PHYSICAL OR SEXUAL ASSAULT OF PREGNANT INMATE. (a) Defines "physical assault" and "sexual assault."

(b) Requires the Texas Department of Criminal Justice (TDCJ), as soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate, to ensure that an obstetrician or gynecologist and a mental health professional promptly:

- (1) review the health care services provided to the inmate; and
- (2) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.

SECTION 2. Amends Subchapter C, Chapter 351, Local Government Code, by adding Section 351.048, as follows:

Sec. 351.048. DUTIES FOLLOWING MISCARRIAGE OR PHYSICAL OR SEXUAL ASSAULT OF PREGNANT PRISONER. (a) Defines "physical assault" and "sexual assault."

(b) Requires the sheriff, as soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant prisoner while in the custody of a county jail, to ensure that an obstetrician or gynecologist and a mental health professional promptly:

(1) review the health care services provided to the prisoner; and

(2) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.

SECTION 3. Effective date: September 1, 2021.