

# [2019 Session] Provide Dignity for Incarcerated Women

## Policy Background

Too often, women's trauma, mental health, and substance abuse needs are inadequately addressed under current policies and practices. As a result, they are failing to get the help they need to avoid involvement in the justice system, and Texas now incarcerates over 12,000 women in state corrections facilities – more than any other state in the country.<sup>1</sup> Nearly 65 percent are incarcerated for years on a nonviolent offense (e.g., drug or property crime), and 81 percent are mothers.<sup>2</sup> Nearly 200 women gave birth in Texas prisons in FY 2016, and as of December 2017, the most common offense of record among pregnant inmates was drug possession.<sup>3</sup>

Many incarcerated women have reported lack of access to quality feminine hygiene products, leading to hygiene problems and health risks. They have also reported being denied medical exams or services, or being deterred from seeking health care due to the \$100 medical services fee. Others have reported rarely seeing their children while incarcerated, which negatively impacts their reentry to the community;<sup>4</sup> furthermore, incarcerated parents can permanently lose custody of their children, sending them into the foster care system.

## Proposed Solution

(1) Require the Texas Department of Criminal Justice (TDCJ) and county jails to provide additional and better-quality feminine hygiene products, and expand access to medical care in TDCJ through less expensive co-pay fees. (2) Require TDCJ to conduct annual data collection and reporting on visitation-related policies and programs, which can help identify areas for improvement in family unity. (3) Require corrections staff to have trauma-informed training to equip them to refer incarcerated individuals to the proper healthcare professional(s) for treatment. (4) Require TDCJ to conduct a one-time screening of individuals upon intake to identify histories of significant trauma and similarly refer those individuals to treatment as needed. (5) Require the judge during the sentencing phase of a woman's trial to inquire whether she is the primary caretaker of a minor child, and to take that into consideration when determining her punishment (e.g., a treatment program or probation vs. incarceration); this can minimize the negative effects of parental incarceration on children – including serious mental, physical, and emotional health issues, as well as generational imprisonment.<sup>5</sup>

## Relevant Bill

- **Bill Number:** **HB 650** [White, Klick, Howard, Neave, Meza | Sponsor: Whitmire]  
**Bill Caption:** Relating to inmates of the Texas Department of Criminal Justice.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [Corrections, March 7, 2019](#)  
**TCJE House Action:** [Testimony in support](#)  
**House Hearing Video:** [Corrections, 3/7/19](#)  
**Senate Hearing Notice:** [Criminal Justice, May 1, 2019](#)  
**TCJE Senate Action:** [Neutral testimony](#)  
**Senate Hearing Video:** [Criminal Justice, 5/1/19](#)  
***Signed by the Governor; effective on 9/1/2019***
- **Bill Number:** **HB 812** [White | Sponsor: Whitmire]  
**Bill Caption:** Relating to the amount of the health care services fee paid by certain inmates.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [Corrections, March 14, 2019](#)  
**TCJE House Action:** [Testimony in support](#)  
**House Hearing Video:** [Corrections, 3/14/19](#)  
**Senate Hearing Notice:** [Criminal Justice, May 1, 2019](#)  
**TCJE Senate Action:** [Card in support](#)  
**Senate Hearing Video:** [Criminal Justice, 5/1/19](#)  
***Signed by the Governor; effective on 9/1/2019***
- **Bill Number:** **HB 1389** [Senfronia Thompson, White, Allen]  
**Bill Caption:** Relating to the placement on community supervision, including deferred adjudication community supervision, of a defendant who is the primary caretaker of a child.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [Corrections, March 7, 2019](#)  
**TCJE House Action:** [Testimony in support](#)  
**House Hearing Video:** [Corrections, 3/7/19](#)
- **Bill Number:** **HB 1651** [Mary González, White, Charles “Doc” Anderson | Sponsor: Alvarado]  
**Bill Caption:** Relating to the care of pregnant women confined in county jail.  
**House Hearing Notice:** [County Affairs, March 28, 2019](#)  
**TCJE House Action:** [Card in support](#)  
**House Hearing Video:** [County Affairs, 3/28/19](#)  
**Senate Hearing Notice:** [Criminal Justice, May 8, 2019](#)  
**TCJE Senate Action:** [Card in support](#)  
**Senate Hearing Video:** [Criminal Justice, 5/8/19](#)  
***Signed by the Governor; effective on 9/1/2019***

- Bill Number:** [HB 2168](#) [Allen; Reynolds; Yvonne Davis; Sherman, Sr.; Collier]  
**Bill Caption:** Relating to a trauma history screening for certain defendants and inmates.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [Corrections, March 14, 2019](#)  
**TCJE House Action:** [Testimony in support](#)  
**House Hearing Video:** [Corrections, 3/14/19](#)
- Bill Number:** [HB 2169](#) [Allen, Rosenthal, Wu, Ramos, Neave | Sponsor: Whitmire]  
**Bill Caption:** Relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** [County Affairs, March 28, 2019](#)  
**TCJE House Action:** [Card in support](#)  
**House Hearing Video:** [County Affairs, 3/28/19](#)  
**Senate Hearing Notice:** [Criminal Justice, May 8, 2019](#)  
**TCJE Senate Action:** [Card in support](#)  
**Senate Hearing Video:** [Criminal Justice, 5/8/19](#)  
*Signed by the Governor; effective on 9/1/2019*

## Other Bills Impacting System-Involved Women or Those At Risk of System Involvement

- Bill Number:** [HB 405](#)  
[\(opens in a new tab\)](#)  
 [Minjarez, Howard, Hinojosa, Ortega, Cecil Bell | Sponsor: Kolkhorst]  
**Bill Caption:** Relating to designating June as Neonatal Abstinence Syndrome Awareness Month.  
**House Hearing Notice:** [Public Health, March 13, 2019](#)  
**House Hearing Video:** [Public Health, 3/13/19](#)  
**Senate Hearing Notice:** [Administration, May 1, 2019](#)  
**Senate Hearing Video:** [Administration, 5/1/19](#)  
*Signed by the Governor; effective on 9/1/2019*
- Bill Number:** [HB 659](#) [White]  
**Bill Caption:** Relating to the collection of information regarding the parental status of inmates of the Texas Department of Criminal Justice.  
**House Hearing Notice:** [Corrections, March 7, 2019](#)  
**TCJE House Action:** [Card in support](#)  
**House Hearing Video:** [Corrections, 3/7/19](#)

- **Bill Number:** [HB 1374](#) [Hernandez, Neave, Guillen | Sponsor: Whitmire]  
**Bill Caption:** Relating to grants for the development and operation of pretrial intervention programs for pregnant defendants and defendants who are the primary caretaker of a child.  
**House Hearing Notice:** [Corrections, March 7, 2019](#)  
**TCJE House Action:** [Card in support](#)  
**House Hearing Video:** [Corrections, 3/7/19](#)  
**Senate Hearing Notice:** [Criminal Justice, May 8, 2019](#)  
**TCJE Senate Action:** [Card in support](#)  
**Senate Hearing Video:** [Criminal Justice, 5/8/19](#)  
***Signed by the Governor; effective immediately, 6/14/2019***
- **Bill Number:** [HB 1601](#) [Israel, White, Ramos, Stickland]  
**Bill Caption:** Relating to the release on personal bond of a person who is pregnant.
- **Bill Number:** [HB 2701](#) [White, Ramos]  
**Bill Caption:** Relating to county jailer training and continuing education requirements regarding interacting with pregnant women confined in jail.  
**House Hearing Notice:** [County Affairs, March 28, 2019](#)  
**TCJE House Action:** [Card in support](#)  
**House Hearing Video:** [County Affairs, 3/28/19](#)
- **Bill Number:** [HB 2744](#) [Neave]  
**Bill Caption:** Relating to the access of a female inmate of the Texas Department of Criminal Justice to certain educational and vocational programs and services.  
**House Hearing Notice:** [Corrections, March 21, 2019](#)  
**House Hearing Video:** [Corrections, 3/21/19](#)
- **Bill Number:** [HB 2749](#) [Neave]  
**Bill Caption:** Relating to grants for the development and operation of pretrial intervention programs for pregnant defendants.
- **Bill Number:** [HB 3227](#) [Howard, Jarvis Johnson, Allen, White | Sponsor: Huffman]  
**Bill Caption:** Relating to the availability of and access to certain programs and services for persons in the custody of the Texas Department of Criminal Justice.  
**TCJE Materials:** [Fact Sheet](#) | [Committee Substitute Fact Sheet \(including peer support services\)](#)  
**House Hearing Notice:** [Corrections, March 21, 2019](#)  
**TCJE House Action:** [Testimony in support](#)  
**House Hearing Video:** [Corrections, 3/21/19](#)  
**Senate Hearing Notice:** [Criminal Justice, May 15, 2019](#)  
**TCJE Senate Action:** [Testimony in support](#)

**Senate Hearing Video:** [Criminal Justice, 5/15/19](#)

***Signed by the Governor; effective on 9/1/2019***

- **Bill Number:** [HB 3303](#) [Bowers]

**Bill Caption:** Relating to certain procedures involving a violation of a condition of community supervision committed by a defendant who is the sole caretaker of a child.

**TCJE Materials:** [Fact Sheet](#) | [Committee Substitute Fact Sheet \(including young adults on probation\)](#)

**House Hearing Notice:** [Corrections, April 11, 2019](#)

**TCJE House Action:** [Testimony in support](#) | [Card in support](#)

**House Hearing Video:** [Corrections, 4/11/19](#)

- **Bill Number:** [SB 436](#)

- [\(opens in a new tab\)](#)

- [Nelson | Sponsors: Price, Rose, Minjarez, Sheffield, VanDeaver]

Relating to statewide initiatives to improve maternal and newborn health for women with opioid use disorder.

**Senate Hearing Notice:** [Health & Human Services, March 12, 2019](#)

**TCJE Senate Action:** [Card in support](#)

**Senate Hearing Video:** [Health & Human Services, 3/12/19](#)

**House Hearing Notice:** [Public Health, May 1, 2019](#)

**TCJE House Action:** [Card in support](#)

**House Hearing Video:** [Public Health, 5/1/19](#)

***Signed by the Governor; effective immediately, 6/7/2019***

## Other Materials

- Texas Smart-On-Crime Coalition 1-Pager: [Texas Dignity Act: A Plan for Reform](#) [2019]
- House Committee on Corrections [Interim Report](#) to the 86th Texas Legislature [November 2018]
- TCJE Blog Posts: [Our “Justice for Women” Campaign Represented at the Texas Conference for Women](#) [November 2018]; [GUEST BLOG: Belton, Texas, High School Student Advocates for Incarcerated Women to Have Equal Opportunities to Succeed](#) [August 2018]; [Women’s Justice Town Hall Focused on Dignity Reform in Texas](#) [August 2018]; [Moving the Needle on Women’s Justice](#) [June 2018]; [TCJC Launches the “Justice for Women” Campaign](#) [March 2018]; [Formerly Incarcerated Woman Speaks on Behalf of More Than 12,000 Incarcerated Women at the Austin Women’s March](#) [January 2018]
- TCJE [Interim Testimony](#) on system-involved pregnant women, submitted to House Corrections Committee [May 2018]

- TCJE [Quick Guide](#) for Two-part Women's Report Series [April 2018]
  - TCJE Report, Part 2: [An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System](#) [April 2018]
  - TCJE Report, Part 1: [A Growing Population: The Surge of Women Into Texas' Criminal Justice System](#) [March 2018]
  - TCJE [Interim Testimony](#) on substance use, submitted to Senate Health & Human Services Committee [March 2018]
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1 Texas Department of Criminal Justice (TDCJ), [FY 2017 Statistical Report](#), 1.

2 TDCJ, data request, September 2017.

3 TDCJ, data request, 2017.

4 In 2014, the Texas Criminal Justice Coalition sent surveys to 1,600 women incarcerated in the Texas Department of Criminal Justice. Over 430 women completed the survey, which included questions about prior victimization, substance abuse, mental health issues, motherhood, and services and safety within TDCJ.

5 Oliver Robertson, [The Impact of Parental Imprisonment on Children](#) (Geneva: Quakers United Nations Office, Women in Prison and Children of Imprisoned Mothers Series, April 2007), 9.