



General Assembly

January Session, 2011

Raised Bill No. 6642

LCO No. 5131

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Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE
NATIONAL PRISON RAPE ELIMINATION COMMISSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) Any agency of the
2 state or any political subdivision of the state that incarcerates or
3 detains adult or juvenile offenders, including persons detained for
4 immigration violations, shall, within available appropriations, adopt
5 and comply with the applicable standards recommended by the
6 National Prison Rape Elimination Commission for the prevention,
7 detection and monitoring of, and response to, sexual abuse in adult
8 prisons and jails, community correction facilities, juvenile facilities and
9 lockups.

10 (b) Such standards include, but are not limited to:

11 (1) Zero tolerance of sexual abuse;

12 (2) Contracting with other entities for the confinement of inmates,
13 detainees or residents;

14 (3) Inmate, detainee or resident supervision;

- 15 (4) Heightened protection for vulnerable detainees;
- 16 (5) Limits to cross-gender viewing and searches;
- 17 (6) Accommodating inmates, detainees or residents with special
18 needs;
- 19 (7) Hiring and promotion decisions;
- 20 (8) Assessment and use of monitoring technology;
- 21 (9) Evidence protocol and forensic medical examinations;
- 22 (10) Agreements with outside public entities and community service
23 providers;
- 24 (11) Agreements with outside law enforcement agencies;
- 25 (12) Agreements with the prosecuting authority;
- 26 (13) Employee training;
- 27 (14) Volunteer and contractor training;
- 28 (15) Inmate or resident education;
- 29 (16) Detainee, attorney, contractor and inmate worker notification of
30 agency's zero-tolerance policy;
- 31 (17) Specialized training: Investigations;
- 32 (18) Specialized training: Medical and mental health care;
- 33 (19) Screening for risk of victimization and abusiveness;
- 34 (20) Use of screening information;
- 35 (21) Obtaining information about residents;
- 36 (22) Placement of residents in housing, bed, program, education and

- 37 work assignments;
- 38 (23) Inmate, detainee or resident reporting;
- 39 (24) Exhaustion of administrative remedies;
- 40 (25) Inmate or resident access to outside confidential support
- 41 services or legal representation;
- 42 (26) Third-party reporting;
- 43 (27) Staff and facility or agency head reporting duties;
- 44 (28) Reporting to other confinement facilities;
- 45 (29) Staff first responder duties;
- 46 (30) Coordinated response;
- 47 (31) Agency protection against retaliation;
- 48 (32) Duty to investigate;
- 49 (33) Criminal and administrative agency investigations;
- 50 (34) Evidence standard for administrative investigations;
- 51 (35) Disciplinary sanctions for staff;
- 52 (36) Disciplinary sanctions for inmates;
- 53 (37) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 54 (38) Interventions for residents who engage in sexual abuse;
- 55 (39) Medical and mental health screenings: History of sexual abuse;
- 56 (40) Access to emergency medical and mental health services;
- 57 (41) Ongoing medical and mental health care for sexual abuse
- 58 victims and abusers;

- 59 (42) Sexual abuse incident reviews;
- 60 (43) Data collection;
- 61 (44) Data review for corrective action;
- 62 (45) Data storage, publication, and destruction; and
- 63 (46) Audits of standards.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section

Statement of Purpose:

To protect individuals being held in adult or juvenile facilities from sexual abuse by requiring state and municipal agencies and private providers that incarcerate or detain offenders to adopt and comply with the standards proposed by the National Prison Rape Elimination Commission.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]