



PA 26-10—sSB 89
Judiciary Committee

AN ACT UPDATING PRISON RAPE ELIMINATION STANDARDS

SUMMARY: This act requires the state’s executive branch agencies and political subdivisions that incarcerate or detain adult or juvenile offenders to comply, within available appropriations, with the federal Prison Rape Elimination Act (PREA) in effect as of January 1, 2024 (see BACKGROUND). Prior law required them, within available appropriations, to adopt and comply with the National Prison Rape Elimination Commission’s recommended standards.

Prior law specified the commission’s prison rape elimination standards to prevent, detect, deter, and respond to sexual assault incidents, among other things. Under the act, these standards are substantially the same with a few changes. Among other things, the act (1) specifies that staff and facilities or agency heads must transmit a copy of any sexual assault report or complaint to the Office of the Correction Ombuds as part of their existing reporting standard, (2) adds a duty to intervene and access to immediate and ongoing sexual assault crisis services as two new standards, and (3) makes changes to how some of the other standards apply.

The act also requires the Department of Correction (DOC) commissioner to adopt regulations to implement the PREA standards by January 1, 2027. Starting by that date, the department must also annually report to the Judiciary Committee on (1) training given to DOC staff on compliance with PREA, (2) the number and types of sexual assault against incarcerated people or DOC staff that were reported, and (3) the number of reports investigated and their outcomes.

The act also expands the Office of the Correction Ombuds’ services to include receiving and reviewing sexual assault reports or complaints that are (1) transmitted to the office under the act’s reporting standard or (2) made directly to the office.

Lastly, it makes technical and conforming changes.
EFFECTIVE DATE: July 1, 2026

National Standards Related to Prison Rape Elimination

Prior law required covered agencies to adopt and comply with certain PREA standards. The act expands a reporting standard, adds two new standards, and makes changes to how some of the existing standards apply. It:

1. specifies that the standard for agreements with outside public entities and community service providers includes agreements to ensure access to crisis and emotional support services and ongoing mental health support and treatments,
2. specifies that the standard for agreements with outside law enforcement agencies includes agreements for conducting investigations,
3. adds internal administrative investigations to specialized investigations

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- training,
4. specifies that specialized training for medical and mental health care includes trauma-informed care methods for sexual abuse victims,
 5. specifies that the reporting duties of staff and facilities or agency heads include mandatory transmission of a copy of any sexual assault report or complaint to the Office of the Correction Ombuds,
 6. adds a standard on the duty to intervene, and
 7. adds a standard on immediate and ongoing access to sexual assault crisis services.

The remaining standards are unchanged by the act, such as those related to a zero-tolerance policy, heightened protection for vulnerable detainees, assessment and use of monitoring technology, volunteer and contractor training, screenings, sexual abuse incident reviews, and audit standards, among others.

BACKGROUND

Federal PREA

PREA established a zero-tolerance standard for all acts of sexual abuse and sexual harassment in confinement facilities and created a set of national standards for the detection, prevention, and punishment of these acts in confinement facilities. Among other things, the PREA standards cover inmate safety, staff training, and reporting procedures (34 U.S.C. § 30301, et seq.).