

SECOND REGULAR SESSION

HOUSE BILL NO. 2552

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIRKTON.

6462H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to the use of restraints on pregnant or postpartum prison inmates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.151, to read as follows:

217.151. 1. For purposes of this section, "extraordinary circumstances" exist when a corrections officer makes an individualized determination that restraints are necessary to prevent a pregnant or postpartum offender from escaping or seriously injuring herself, medical or correctional personnel, or others.

2. The necessary health care standards for pregnant and postpartum offenders shall include:

(1) Except in extraordinary circumstances, no restraints of any kind may be used on offenders during the second and third trimesters of pregnancy or for forty-eight hours post-delivery, whether during transportation to and from visits to health care providers and court proceedings or during labor and delivery;

(2) Pregnant and postpartum offenders shall be transported to and from visits to health care providers and court proceedings in vehicles with seatbelts;

(3) Any time restraints are used on a pregnant or postpartum offender, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg or waist restraints be used on any pregnant or postpartum offender; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) If a doctor, nurse, or other health care provider treating the pregnant or
18 postpartum offender requests that restraints not be used, the corrections officer
19 accompanying the pregnant or postpartum offender shall immediately remove all
20 restraints.

21 3. In the event a corrections officer determines that extraordinary circumstances
22 exist and restraints are used, the corrections officer shall fully document in writing within
23 seven days of the incident the reasons he or she determined such extraordinary
24 circumstances existed, the kind of restraints used, and the reasons those restraints were
25 considered the least restrictive available and the most reasonable under the circumstances.

26 4. The sentencing and corrections oversight commission established under section
27 217.147, and the advisory committee established under section 217.015, shall conduct
28 biannual reviews of every report written on the use of restraints on a pregnant or
29 postpartum offender in accordance with subsection 3 of this section to determine
30 compliance with this section. The written reports shall be kept on file by the department
31 for five years.

32 5. The chief administrative officer of each correctional center shall:

33 (1) Ensure that employees of the correctional center who come in contact with
34 pregnant or postpartum offenders are provided with training, which may include online
35 training, on the provisions of this section; and

36 (2) Inform female offenders of the policies and practices developed in accordance
37 with this section upon admission to the correctional center, including the policies and
38 practices in the offender handbook, and post the policies and practices in locations in the
39 correctional center where such notices are commonly posted and will be seen by female
40 offenders, including common housing areas and health care facilities.

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