

HOUSE AMENDMENT NO.\_\_\_\_  
TO  
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Offered By

AMEND House Amendment No.\_\_\_\_ to House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 15, Line 47, by inserting immediately after said line the following:

"217.149. 1. By September 1, 2017, all correctional centers shall develop specific procedures for the intake and care of offenders who are pregnant, which shall include procedures regarding:

- (1) Maternal health evaluations;
- (2) Dietary supplements;
- (3) Substance abuse treatment;
- (4) Treatment for the human immunodeficiency virus and ways to avoid human immunodeficiency virus transmission;
- (5) Hepatitis C;
- (6) Sleeping arrangements for such offenders, including requiring such offenders to sleep on the bottom bunk bed;
- (7) Access to mental health professionals;
- (8) Sanitary materials;
- (9) Postpartum recovery, including that no such offender shall be placed in isolation during such recovery; and
- (10) A requirement that a female medical professional be present during any examination of such offender.

2. As used in this section "postpartum recovery" means, as determined by a physician, the period immediately following delivery, including the entire period an offender who was pregnant is in the hospital or infirmary after delivery.

217.151. 1. As used in this section, the following terms shall mean:

- (1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security a pregnant offender in her third trimester or a postpartum offender forty-eight hours postdelivery, the staff of the correctional center or medical facility, other offenders, or the public;
- (2) "Labor", the period of time before a birth during which contractions are present;
- (3) "Postpartum", the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;
- (4) "Restraints", any physical restraint or other device used to control the movement of a

Action Taken\_\_\_\_\_ Date \_\_\_\_\_

1 person's body or limbs.

2 2. A correctional center shall not use restraints on a pregnant offender in her third trimester  
 3 whether during transportation to and from visits to health care providers and court proceedings or  
 4 medical appointments and examinations or during labor, delivery, or forty-eight hours postdelivery.

5 3. Pregnant offenders shall be transported in vehicles equipped with seatbelts.

6 4. Any time restraints are used on a pregnant offender in her third trimester or on a  
 7 postpartum offender forty-eight hours postdelivery, the restraints shall be the least restrictive  
 8 available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist  
 9 restraints or any mechanical restraints be used on any such offender, and if wrist restraints are used,  
 10 such restraints shall be placed in the front of such offender's body to protect the offender and fetus  
 11 in the case of a forward fall.

12 5. If a doctor, nurse, or other health care provider treating the pregnant offender in her third  
 13 trimester or the postpartum offender forty-eight hours postdelivery requests that restraints not be  
 14 used, the corrections officer accompanying such offender shall immediately remove all restraints.

15 6. In the event a corrections officer determines that extraordinary circumstances exist and  
 16 restraints are necessary, the corrections officer shall fully document in writing within forty-eight  
 17 hours of the incident the reasons he or she determined such extraordinary circumstances existed, the  
 18 type of restraints used, and the reasons those restraints were considered the least restrictive available  
 19 and the most reasonable under the circumstances. Such documents shall be kept on file by the  
 20 correctional center for at least five years from the date the restraints were used.

21 7. The sentencing and corrections oversight commission established under section 217.147  
 22 and the advisory committee established under section 217.015 shall conduct biannual reviews of  
 23 every report written on the use of restraints on a pregnant offender in her third trimester or on a  
 24 postpartum offender forty-eight hours postdelivery in accordance with subsection 6 of this section to  
 25 determine compliance with this section. The written reports shall be kept on file by the department  
 26 for ten years.

27 8. The chief administrative officer, or equivalent position, of each correctional center shall:

28 (1) Ensure that employees of the correctional center are provided with training, which may  
 29 include online training, on the provisions of this section; and

30 (2) Inform female offenders, in writing and orally, of any policies and practices developed  
 31 in accordance with this section upon admission to the correctional center, including policies and  
 32 practices in any offender handbook, and post the policies and practices in locations in the  
 33 correctional center where such notices are commonly posted and will be seen by female offenders,  
 34 including common housing areas and health care facilities."; and

35  
 36 Further amend said amendment, Page 16, Line 4, by deleting said line and inserting in lieu thereof  
 37 the following:

38  
 39 "to a juvenile detention facility.

40 221.520. 1. As used in this section, the following terms shall mean:

41 (1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary  
 42 medical or security circumstance that dictates restraints be used to ensure the safety and security of  
 43 a pregnant prisoner in her third trimester or a postpartum prisoner forty-eight hours postdelivery, the  
 44 staff of the county or city jail or medical facility, other prisoners, or the public;

45 (2) "Labor", the period of time before a birth during which contractions are present;

46 (3) "Postpartum", the period of recovery immediately following childbirth, which is six  
 47 weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a  
 48 physician or nurse;

1       (4) "Restraints", any physical restraint or other device used to control the movement of a  
 2 person's body or limbs.

3       2. A county or city jail shall not use restraints on a pregnant prisoner in her third trimester  
 4 whether during transportation to and from visits to health care providers and court proceedings or  
 5 medical appointments and examinations or during labor, delivery, or forty-eight hours postdelivery.

6       3. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.

7       4. Anytime restraints are used on a pregnant prisoner in her third trimester or on a  
 8 postpartum prisoner forty-eight hours postdelivery, the restraints shall be the least restrictive  
 9 available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist  
 10 restraints or any mechanical restraints be used on any such prisoner, and if wrist restraints are used,  
 11 such restraints shall be placed in the front of such prisoner's body to protect the prisoner and fetus in  
 12 the case of a forward fall.

13       5. If a doctor, nurse, or other health care provider treating the pregnant prisoner in her third  
 14 trimester or the postpartum prisoner forty-eight hours postdelivery requests that restraints not be  
 15 used, the sheriff or jailer accompanying such prisoner shall immediately remove all restraints.

16       6. In the event a sheriff or jailer determines that extraordinary circumstances exist and  
 17 restraints are necessary, the sheriff or jailer shall fully document in writing within forty-eight hours  
 18 of the incident the reasons he or she determined such extraordinary circumstances existed, the type  
 19 of restraints used, and the reasons those restraints were considered the least restrictive available and  
 20 the most reasonable under the circumstances. Such documents shall be kept on file by the county or  
 21 city jail for at least five years from the date the restraints were used.

22       7. The county or city jail shall:

23       (1) Ensure that employees of the jail are provided with training, which may include online  
 24 training, on the provisions of this section; and

25       (2) Inform female prisoners, in writing and orally, of any policies and practices developed  
 26 in accordance with this section upon admission to the jail, and post the policies and practices in  
 27 locations in the jail where such notices are commonly posted and will be seen by female prisoners.

28       221.523. 1. By September 1, 2017, all county and city jails shall develop specific  
 29 procedures for the intake and care of prisoners who are pregnant, which shall include procedures  
 30 regarding:

31       (1) Maternal health evaluations;

32       (2) Dietary supplements;

33       (3) Substance abuse treatment;

34       (4) Treatment for the human immunodeficiency virus and ways to avoid human  
 35 immunodeficiency virus transmission;

36       (5) Hepatitis C;

37       (6) Sleeping arrangements for such prisoners, including requiring such prisoners to sleep on  
 38 the bottom bunk bed;

39       (7) Access to mental health professionals;

40       (8) Sanitary materials;

41       (9) Postpartum recovery, including that no such prisoner shall be placed in isolation during  
 42 such recovery; and

43       (10) A requirement that a female medical professional be present during any examination of  
 44 such prisoner.

45       2. As used in this section "postpartum recovery" means, as determined by a physician, the  
 46 period immediately following delivery, including the entire period a prisoner who was pregnant is in  
 47 the hospital or infirmary after delivery."; and"; and  
 48

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.
- 3
- 4 THIS AMENDS 0089H04.01H.