

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 268, Page 1, Section A, Line 2, by inserting immediately after said section  
2 and line the following:

3  
4 "217.149. By September 1, 2017, all correctional centers shall develop specific procedures  
5 for the intake and care of offenders who are pregnant, which shall include procedures regarding:

6 (1) Maternal health evaluations;

7 (2) Dietary supplements;

8 (3) Substance abuse treatment;

9 (4) Treatment for the human immunodeficiency virus and ways to avoid human  
10 immunodeficiency virus transmission;

11 (5) Hepatitis C;

12 (6) Sleeping arrangements for such offenders, including requiring such offenders to sleep on  
13 the bottom bunk bed;

14 (7) Access to mental health professionals;

15 (8) Sanitary materials;

16 (9) Postpartum recovery, as defined in section 217.151, including that no such offender shall  
17 be placed in isolation during such recovery; and

18 (10) A requirement that a female medical professional be present during any examination of  
19 such offender.

20 217.151. 1. As used in this section, the following terms shall mean:

21 (1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary  
22 medical or security circumstance that dictates restraints be used to ensure the safety and security of  
23 the pregnant offender or an offender in postpartum recovery, the staff of the correctional center or  
24 medical facility, other offenders, or the public;

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

26 (3) "Postpartum recovery", as determined by a woman's physician, the period immediately  
27 following delivery, including the entire period she is in the hospital or infirmary after delivery;

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

30 2. A correctional center shall not use restraints on a pregnant offender whether during  
31 transportation to and from visits to health care providers and court proceedings or medical  
32 appointments and examinations or during labor, delivery, or postpartum recovery.

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

34 4. Any time restraints are used on a pregnant offender or an offender in postpartum  
35 recovery, the restraints shall be the least restrictive available and the most reasonable under the  
36 circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used

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

on any such offender, and if wrist restraints are used, such restraints shall be placed in the front of such offender's body to protect the offender and fetus in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant offender or an offender in postpartum recovery requests that restraints not be used, the corrections officer accompanying such offender shall immediately remove all restraints.

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

7. The sentencing and corrections oversight commission established under section 217.147 and the advisory committee established under section 217.015 shall conduct biannual reviews of every report written on the use of restraints on a pregnant offender or an offender in postpartum recovery in accordance with subsection 6 of this section to determine compliance with this section. The written reports shall be kept on file by the department for ten years.

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

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

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

Further amend said bill, Page 2, Section 217.243, Line 23, by inserting immediately after all of said section and bill the following:

"221.520. 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 of a prisoner, the staff of the county or city jail or medical facility, other prisoners, or the public;

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

(3) "Postpartum recovery", as determined by a woman's physician, the period immediately following delivery, including the entire period she is in the hospital or infirmary after delivery;

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

2. A county or city jail shall not use restraints on a pregnant prisoner whether during transportation to and from visits to health care providers and court proceedings or medical appointments and examinations or during labor, delivery, or postpartum recovery.

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

4. Anytime restraints are used on a pregnant prisoner or a prisoner in postpartum recovery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such prisoner, and if wrist restraints are used, such restraints shall be placed in the front of such prisoner's body to protect the prisoner and fetus in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant prisoner or a prisoner in postpartum recovery requests that restraints not be used, the sheriff or jailer

1 accompanying such prisoner shall immediately remove all restraints.

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

8 7. The county or city jail shall:

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

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

14 221.523. By September 1, 2017, all county and city jails  
15 shall develop specific procedures for the intake and care of prisoners who are pregnant, which shall  
16 include procedures regarding:

17 (1) Maternal health evaluations;

18 (2) Dietary supplements;

19 (3) Substance abuse treatment;

20 (4) Treatment for the human immunodeficiency virus and ways to avoid human  
21 immunodeficiency virus transmission;

22 (5) Hepatitis C;

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

25 (7) Access to mental health professionals;

26 (8) Sanitary materials;

27 (9) Postpartum recovery, as defined in section 221.520, including that no such prisoner shall  
28 be placed in isolation during such recovery; and

29 (10) A requirement that a female medical professional be present during any examination of  
30 such prisoner."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.