

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 33, Section
2 197.295, Line 17, by inserting after all of said section and line the following:

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4 "217.149. 1. By October 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, including that no such offender shall be placed in isolation during
17 such recovery; and

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

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

23 217.151. 1. As used in this section, the following terms shall mean:

24 (1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary
25 medical or security circumstance that dictates restraints be used to ensure the safety and security a
26 pregnant offender in her third trimester or a postpartum offender forty-eight hours postdelivery, the
27 staff of the correctional center or medical facility, other offenders, or the public;

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

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

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

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

Action Taken _____ Date _____

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

4. Any time restraints are used on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery, 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 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 in her third trimester or the postpartum offender forty-eight hours postdelivery 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 in her third trimester or on a postpartum offender forty-eight hours postdelivery 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.

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 pregnant prisoner in her third trimester or a postpartum prisoner forty-eight hours postdelivery, 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", 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 person's body or limbs.

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

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

4. Anytime restraints are used on a pregnant prisoner in her third trimester or on a postpartum prisoner forty-eight hours postdelivery, 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 in her third trimester or the postpartum prisoner forty-eight hours postdelivery requests that restraints not be used, the sheriff or jailer accompanying such prisoner shall immediately remove all restraints.

6. In the event a sheriff or jailer determines that extraordinary circumstances exist and restraints are necessary, the sheriff or jailer 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 county or city jail for at least five years from the date the restraints were used.

7. The county or city jail shall:

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

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

221.523. 1. By October 1, 2017, all county and city jails shall develop specific procedures for the intake and care of prisoners 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 prisoners, including requiring such prisoners to sleep on the bottom bunk bed;

(7) Access to mental health professionals;

(8) Sanitary materials;

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

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

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

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