

HB 16 -- RESTRAINT OF OFFENDERS

SPONSOR: McCreery

This bill specifies the necessary health care standards for pregnant and postpartum offenders in a correctional center or county or city jail. The bill requires each of these facilities to develop procedures by October 1, 2017.

The bill prohibits a correctional center, county jail, or city jail from using restraints on a pregnant offender in her third trimester or during labor, delivery, or 48 hours post-delivery. Any time restraints are used on such offenders, the restraints shall be the least restrictive available and in no case shall leg, ankle, or waist restraints be used. If wrist restraints are used, they shall be placed in front of the offender's body to protect the offender and the fetus in the case of a forward fall. If a health care provider requests that restraints not be used, the corrections officer shall immediately remove all restraints.

This bill requires that when a corrections officer, sheriff, or jailer determines that extraordinary circumstances exist and restraints are used on a pregnant or postpartum offender, the corrections officer is required to fully document in writing within 48 hours of the incident the reasons he or she determined extraordinary circumstances existed, the kind of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. The Sentencing and Corrections Oversight Commission and the Advisory Committee must conduct biannual reviews on such reports to determine compliance with these provisions.

The correctional center, county jail, or city jail must ensure employees of the center or jail are provided with training on these provisions and inform female offenders of the policies and practices upon admission, including the policies and practices in the offender handbook, and post the policies and practices in locations within the center or jail where such notices are commonly posted and will be seen by female offenders, including common housing areas and health care facilities.

This bill is similar to HB 1002 (2017).