

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

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

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 966, Page 10, Section 217.075, Line 41, by inserting immediately after all of said  
3 section and line the following:  
4

5 "217.149. 1. By January 1, 2019, all correctional centers shall develop specific procedures  
6 for the intake and care of offenders who are pregnant, which shall include procedures regarding:

7 (1) Maternal health evaluations;

8 (2) Dietary supplements;

9 (3) Substance abuse treatment;

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

12 (5) Hepatitis C;

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

15 (7) Access to mental health professionals;

16 (8) Sanitary materials;

17 (9) Postpartum recovery, including that no such offender shall be placed in isolation during  
18 such recovery unless deemed necessary for medical or security reasons. Such reasons shall be  
19 documented in writing within forty-eight hours of the incident. Such documents shall be kept on  
20 file by the correctional center for at least ten years from the date the incident occurred;

21 (10) A requirement that a female medical professional be present during any examination of  
22 such offender while in a state of undress; and

23 (11) The department shall, with the assistance of the department of social services and  
24 consent of the pregnant offender, consider enrolling an unborn child in the show-me healthy babies  
25 program under section 208.662.

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

29 217.151. 1. As used in this section, the following terms mean:

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

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

35 (3) "Postpartum", the period of recovery immediately following childbirth, which is six  
36 weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a

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1 physician or nurse;

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

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

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

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

15 5. If a doctor, nurse, physician assistant, paramedic, or emergency medical technician  
 16 treating the pregnant offender in her third trimester or the postpartum offender within forty-eight  
 17 hours postdelivery requests that restraints not be used, the corrections officer accompanying such  
 18 offender shall immediately remove all restraints.

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

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

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

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

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

39 9. Nothing in this section shall be construed to prohibit the use of handcuffs upon arrest.";  
 40 and

41  
 42 Further amend said bill, Page 29, Section 221.105, Line 48, by inserting immediately after said  
 43 section and line the following:

44  
 45 "221.523. 1. By January 1, 2019, all county and city jails shall develop specific written  
 46 policies and procedures for the intake and care of offenders who are pregnant. Nothing in this  
 47 section shall be construed to prohibit the use of handcuffs upon arrest. The policies and procedures  
 48 shall include the following:

- 1       (1) Maternal health evaluations;
- 2       (2) Dietary supplements;
- 3       (3) Substance abuse treatment;
- 4       (4) Treatment for the human immunodeficiency virus and ways to avoid human
- 5 immunodeficiency virus transmission;
- 6       (5) Hepatitis C;
- 7       (6) Sleeping arrangements for such offenders, including requiring such offenders to sleep on
- 8 the bottom bunk bed;
- 9       (7) Access to mental health professionals;
- 10       (8) Sanitary materials;
- 11       (9) Postpartum recovery, including that no such offender shall be placed in isolation during
- 12 such recovery unless deemed necessary for medical or security reasons. Such reasons shall be
- 13 documented in writing within forty-eight hours of the incident. Such documents shall be kept on
- 14 file by the correctional center for at least ten years from the date the incident occurred;
- 15       (10) The jail shall, with the assistance of the department of social services and consent of
- 16 the pregnant offender, consider enrolling an unborn child in the show-me healthy babies program
- 17 under section 208.662; and
- 18       (11) The use of restraints on a pregnant offender in her third trimester. Such policy may
- 19 include provisions that:
- 20           (a) A county or city jail shall not use restraints on a pregnant offender in her third trimester,
- 21 whether during transportation to and from visits to health care providers and court proceedings or
- 22 medical appointments and examinations, or during labor, delivery, or forty-eight hours postdelivery;
- 23           (b) Pregnant offenders shall be transported in vehicles equipped with seatbelts;
- 24           (c) Anytime restraints are used on a pregnant offender in her third trimester or on a
- 25 postpartum offender within forty-eight hours postdelivery, the restraints shall be the least restrictive
- 26 available and the most reasonable under the circumstances. If wrist restraints are used, such
- 27 restraints shall be placed in the front of such offender's body to protect the offender and the unborn
- 28 child in the case of a forward fall;
- 29           (d) If a doctor, nurse, physician assistant, paramedic, or emergency medical technician
- 30 treating the pregnant offender in her third trimester or the postpartum offender within forty-eight
- 31 hours postdelivery requests that restraints not be used, the sheriff or jailer accompanying such
- 32 offender shall immediately remove all restraints;
- 33           (e) In the event a sheriff or jailer determines that extraordinary circumstances exist and
- 34 restraints are necessary, the sheriff or jailer shall fully document in writing within forty-eight hours
- 35 of the incident the reasons he or she determined such extraordinary circumstances existed, the type
- 36 of restraints used, and the reasons those restraints were considered the least restrictive available and
- 37 the most reasonable under the circumstances. Such documents shall be kept on file by the county or
- 38 city jail for at least ten years from the date the restraints were used;
- 39           (f) The county or city jail shall:
- 40               a. Ensure that employees of the jail are provided with training, which may include online
- 41 training, on the provisions of this section; and
- 42               b. Inform female offenders, in writing and orally, of any policies and practices developed in
- 43 accordance with this section upon admission to the jail;
- 44           (g) A female medical professional be present during any examination of such offender while
- 45 in a state of undress.
- 46       2. As used in this section, the following terms shall mean:
- 47           (1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary
- 48 medical or security circumstance that dictates restraints be used to ensure the safety and security of

1 a pregnant offender in her third trimester or a postpartum offender within forty-eight hours  
2 postdelivery, the staff of the county or city jail or medical facility, other offenders, or the public;

3 (2) "Gestational age", the same meaning as in section 188.015;

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

5 (4) "Postpartum", the period of recovery immediately following childbirth, which is six  
6 weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a  
7 physician or nurse;

8 (5) "Restraints", any physical restraint or other device used to control the movement of a  
9 person's body or limbs;

10 (6) "Third trimester", the period of pregnancy beginning after twenty-seven weeks  
11 gestational age."; and

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references  
14 accordingly.