

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 333, Page 45, Section 195.805, Line 16,
2 by inserting after said section and line the following:

3
4 "217.199. 1. As used in this section, "healthcare products" include tampons and sanitary
5 napkins.

6 2. The director shall ensure that healthcare products are available for free to offenders while
7 confined in any correctional center of the department, in a quantity that is appropriate for the
8 healthcare needs of each offender. The director shall ensure that the healthcare products conform
9 with applicable industry standards."; and

10
11 Further amend said bill, Page 46, Section 217.735, Line 34, by inserting after said section and line
12 the following:

13
14 "221.520. 1. As used in this section, the following terms shall mean:

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

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

20 (3) "Major bodily function", functions of the immune system, normal cell growth, and
21 digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive
22 functions;

23 (4) "Medical emergency", a condition that, based on reasonable medical judgment, so
24 complicates the medical condition of a pregnant woman as to necessitate the immediate removal of
25 restraints to avert the death of the pregnant woman or for which a delay in removal of restraints will
26 create a serious risk of substantial and irreversible physical impairment of a major bodily function of
27 the pregnant woman;

28 (5) "Physician", any person licensed by the state board of registration for the healing arts to
29 practice medicine in this state;

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

33 (7) "Reasonable medical judgment", a medical judgment made by a reasonably prudent
34 physician, knowledgeable about the case and the treatment possibilities with respect to the medical
35 conditions involved;

36 (8) "Restraints", any physical restraint or other device used to control the movement of a

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1 person's body or limbs;

2 (9) "Third trimester", gestational age, which is the length of pregnancy as measured from
 3 the first day of the woman's last menstrual period, of twenty-eight weeks or more;

4 (10) "Unborn child", the offspring of human beings from the moment of conception until
 5 birth and at every state of its biological development, including the human conceptus, zygote,
 6 morula, blastocyst, embryo, and fetus.

7 2. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.

8 3. Any time restraints are used on a pregnant prisoner in her third trimester or on a
 9 postpartum prisoner within forty-eight hours postdelivery, as documented by a physician and for
 10 which the county or city officer or sheriff or jailer has written notice, the restraints shall be the least
 11 restrictive available and reasonable under the circumstances. Only in extraordinary circumstances,
 12 as determined by a county or city officer or jail official, shall ankle or waist restraints be used on
 13 any such offender.

14 4. If, based on his or her reasonable medical judgment, a doctor, nurse, or other licensed
 15 health care provider treating the pregnant prisoner in her third trimester or the postpartum prisoner
 16 within forty-eight hours postdelivery, as previously documented by a physician, finds that a medical
 17 emergency exists and requests that restraints not be used, the county or city officer or sheriff or
 18 jailer accompanying such prisoner shall as soon as practical remove all restraints. The individual
 19 ordering the removal of restraints shall assume all liability for acts and damages that occur as a
 20 result of the restraints being removed and shall report in writing the specific facts justifying the
 21 medical emergency. The report shall be kept on file for at least five years.

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

28 6. The county or city jail shall inform female prisoners, in writing and orally, of any policies
 29 and practices developed in accordance with this section upon admission to the jail, and post the
 30 policies and practices in locations in the jail where such notices are commonly posted and will be
 31 seen by female prisoners."; and

32
 33 Further amend said bill, Page 56, Section 565.021, Line 22, by inserting after said section and line
 34 the following:

35
 36 "567.020. 1. A person commits the offense of prostitution if he or she engages in or offers
 37 or agrees to engage in sexual conduct with another person in return for something of value to be
 38 received by any person.

39 2. The offense of prostitution is a class B misdemeanor unless the person knew prior to
 40 performing the act of prostitution that he or she was infected with HIV in which case prostitution is
 41 a class B felony. The use of condoms is not a defense to this offense.

42 3. As used in this section, "HIV" means the human immunodeficiency virus that causes
 43 acquired immunodeficiency syndrome.

44 4. The judge may order a drug and alcohol abuse treatment program for any person found
 45 guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B
 46 misdemeanor offense, upon the successful completion of such program by the defendant, the court
 47 may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and
 48 enter a judgment of not guilty. For the class B felony offense, the court shall not allow the
 49 defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty.

1 The judge, however, has discretion to take into consideration successful completion of a drug or
2 alcohol treatment program in determining the defendant's sentence.

3 5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall
4 be an affirmative defense to prosecution pursuant to this section that the defendant was under the
5 age of eighteen ~~and~~ or was acting under the coercion, as defined in section 566.200, of an agent at
6 the time of the offense charged. In such cases where the defendant was under the age of eighteen
7 and found not guilty of any violation under this section, the defendant shall be classified as a victim
8 of abuse, as defined under section 210.110, and such abuse shall be reported, as required under
9 section 210.115."; and

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