

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1122
100TH GENERAL ASSEMBLY

2323H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 217 and 221, RSMo, by adding thereto three new sections relating to pregnant prisoners.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 217 and 221, RSMo, are amended by adding thereto three new
2 sections, to be known as sections 217.149, 221.520, and 221.523, to read as follows:

217.149. 1. Female inmates in the last trimester of pregnancy may be considered
2 for a pregnancy furlough if the chief medical administrator verifies that the level of
3 medical care that will be rendered to the inmate outside the correctional center is
4 comparable to or greater than that which could be rendered to the inmate within the
5 correctional center.

6 2. A plan of community supervision shall be developed by a probation or parole
7 officer and approved by the chief administrative officer of the inmate's correctional center,
8 and arrangements shall be made for monitoring the inmate's activities while on furlough.
9 The plan of community supervision shall include supervision contact by the division of
10 probation and parole while the inmate is on furlough status. The correctional center
11 placing the inmate on furlough status shall contact the division of probation and parole in
12 the district where the inmate will be residing during the furlough period and develop
13 community control supervision contact standards. The developed plan shall be attached
14 to the furlough request.

15 3. The correctional center placing the inmate on furlough status shall be
16 responsible for the monitoring of the inmate's progress while on the furlough. Monitoring
17 shall include any changes in the inmate's medical condition or any violations of the rules

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 concerning the furlough. Any changes or violations detected shall be reported immediately
19 to the chief administrative officer of the correctional center placing the inmate on furlough.

20 4. The chief administrative officer of the correctional center is authorized to
21 terminate a pregnancy furlough at any time during the furlough period for noncompliance
22 with the conditions of the furlough. The pregnancy furlough shall be terminated within
23 one week after a satisfactory six-week postpartum examination for a vaginal birth or
24 eight-week postpartum examination for a cesarean birth.

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

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

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

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

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

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

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

19 4. Any time restraints are used on a pregnant prisoner in her third trimester or on
20 a postpartum prisoner within forty-eight hours postdelivery, the restraints shall be the
21 least restrictive available and the most reasonable under the circumstances. In no case
22 shall leg, ankle, or waist restraints or any mechanical restraints be used on any such
23 prisoner, and, if wrist restraints are used, such restraints shall be placed in the front of
24 such prisoner's body to protect the prisoner and the unborn child in the case of a forward
25 fall.

26 5. If a doctor, nurse, or other health care provider treating the pregnant prisoner
27 in her third trimester or the postpartum prisoner within forty-eight hours postdelivery
28 requests that restraints not be used, the sheriff or jailer accompanying such prisoner shall
29 immediately remove all restraints.

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

37 **7. The county or city jail shall:**

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

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

221.523. 1. By September 1, 2018, all county and city jails shall develop specific
2 **procedures for the intake and care of prisoners who are pregnant, which shall include**
3 **procedures regarding:**

4 **(1) Maternal health evaluations;**

5 **(2) Dietary supplements;**

6 **(3) Substance abuse treatment;**

7 **(4) Treatment for the human immunodeficiency virus and ways to avoid human**
8 **immunodeficiency virus transmission;**

9 **(5) Hepatitis C;**

10 **(6) Sleeping arrangements for such prisoners, including requiring such prisoners**
11 **to sleep on the bottom bunk bed;**

12 **(7) Access to mental health professionals;**

13 **(8) Sanitary materials;**

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

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

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

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