

HCS HB 1122 -- RESTRAINING INMATES IN JAIL

SPONSOR: Coleman (97)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 0.

This bill specifies that an inmate in the third trimester of a pregnancy may be considered for a medical furlough to receive medical care outside the correctional center if the chief medical administrator verifies that the medical care rendered to the inmate outside the correctional center is comparable to or greater than what could be rendered to the inmate within the correctional center. A probation or parole officer must develop a plan of community supervision for when the inmate is outside the correctional center on furlough status. The furlough status may be revoked at any time for noncompliance with the conditions of the furlough.

The bill also specifies procedures county and city jails must follow when restraining pregnant offenders in their third trimester of pregnancy or offenders within 48 hours postpartum. By September 1, 2018, all county and city jails must develop policies and practices, specified in the bill, for the intake and care of pregnant offenders.

PROPONENTS: Supporters say that pregnant offenders should not be shackled unless there are emergency situations. Eighteen states have already adopted policies regarding shackling pregnant offenders, and there is case law highlighting the horrors of what brought this legislation about. This legislation is important to ensure all babies and pregnant women are protected. We are unnecessarily endangering babies when this type of legislation does not go into effect. Actions to save a baby's life are required to be performed quickly so shackling the offender would put a baby's life in peril. It is important to provide resources to staff as well as putting policies and procedures in offender handbooks so offenders know what to expect when they are being checked in. If you have staff that do not know the risks and signs of preeclampsia, for example, they will not know that they need to get the offender to the hospital. Additionally, it is demeaning and can create real health issues if the mother is shackled during labor.

Testifying for the bill were Representative Coleman; American College Of Obstetrics & Gynecologists; Missouri Catholic Conference; Mid Missouri Fellowship of Reconciliation; Empower

Missouri; and Julie Ferdman.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that large jails such as the one in St. Charles County have a lot of pregnant detainees who are awaiting trial. There is no shackling that happens during labor there. The concern is the language in this bill is not necessarily clear because jails do not provide the same kind of health care to offenders as Department of Corrections facilities.

Testifying on the bill was St Charles County.