

FIRST REGULAR SESSION

HOUSE BILL NO. 1090

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

2183H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 221, RSMo, by adding thereto two new sections relating to pregnant offenders.

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

Section A. Chapter 221, RSMo, is amended by adding thereto two new sections, to be known as sections 221.520 and 221.523, to read as follows:

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

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

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

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

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

2. Except in extraordinary circumstances, a county or city jail shall not use restraints on a pregnant offender in her third trimester, whether during transportation to and from visits to health care providers and court proceedings, or during medical

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.

17 appointments and examinations, or during labor, delivery, or forty-eight hours
18 postdelivery.

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

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

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

37 6. Pregnant offenders shall be transported in vehicles equipped with seatbelts.

38 7. The county or city jail shall:

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

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

221.523. 1. By January 1, 2026, all county and city jails shall develop specific
2 procedures for the intake and care of offenders who are pregnant, which shall include
3 procedures regarding:

4 (1) Maternal health evaluations;

5 (2) Dietary supplements, including prenatal vitamins;

6 (3) Timely and regular nutritious meals, which shall include, at minimum,
7 thirty-two ounces of milk or a calcium supplement if lactose intolerant, two cups of fresh
8 fruit, and two cups of fresh vegetables daily;

9 (4) Substance abuse treatment;

- 10 **(5) Treatment for the human immunodeficiency virus and ways to avoid human**
11 **immunodeficiency virus transmission;**
- 12 **(6) Hepatitis C;**
- 13 **(7) Sleeping arrangements for such offenders, including requiring such**
14 **offenders to sleep on the bottom bunk bed;**
- 15 **(8) Access to mental health professionals;**
- 16 **(9) Sanitary materials;**
- 17 **(10) Postpartum recovery, including that no such offender shall be placed in**
18 **isolation during such recovery; and**
- 19 **(11) A requirement that a female medical professional be present during any**
20 **examination of such offender.**
- 21 **2. As used in this section "postpartum recovery" means, as determined by a**
22 **physician, the period immediately following delivery, including the entire period an**
23 **offender who was pregnant is in the hospital or infirmary after delivery.**

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