

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 590, Page 27, Section 198.070, Line 17,

by inserting immediately after said line the following:

"211.436. 1. When a court of jurisdiction in juvenile cases has a local court rule or otherwise mandates that a juvenile shall be restrained during court proceedings using either handcuffs, chains, irons, or a straitjacket, the juvenile's attorney shall have the right to be heard on the issue of the necessity of restraints on the juvenile and request that the restraints on the juvenile not be used. The juvenile's attorney may present evidence that the juvenile is not a flight risk, poses no safety risk to himself or herself or others, or has no history of disruptive courtroom behavior.

2. If the court orders that restraints shall be used on the juvenile, the court shall make findings of fact in support of such use.

217.151. 1. For purposes of this section, "extraordinary circumstances" exist when a doctor treating the pregnant or postpartum offender makes an individualized determination that restraints are necessary to prevent a pregnant or postpartum offender from escaping or seriously injuring herself, medical or correctional personnel, or others.

1 2. The necessary health care standards for pregnant and
2 postpartum offenders shall include:

3 (1) Except in extraordinary circumstances, no restraints of
4 any kind may be used on offenders during the second and third
5 trimesters of pregnancy or for forty-eight hours post-delivery,
6 whether during transportation to and from visits to health care
7 providers and court proceedings or during labor and delivery;

8 (2) Pregnant and postpartum offenders shall be transported
9 to and from visits to health care providers and court proceedings
10 in vehicles with seatbelts;

11 (3) Any time restraints are used on a pregnant or
12 postpartum offender, the restraints shall be the least
13 restrictive available and the most reasonable under the
14 circumstances. In no case shall leg or waist restraints be used
15 on any pregnant or postpartum offender; and

16 (4) If a doctor, nurse, or other health care provider
17 treating the pregnant or postpartum offender requests that
18 restraints not be used, the corrections officer accompanying the
19 pregnant or postpartum offender shall immediately remove all
20 restraints.

21 3. In the event a doctor determines that extraordinary
22 circumstances exist and restraints are used, the doctor shall
23 fully document in writing within seven days of the incident the
24 reasons he or she determined such extraordinary circumstances
25 existed, the kind of restraints used, and the reasons those
26 restraints were considered the least restrictive available and
27 the most reasonable under the circumstances.

28 4. The sentencing and corrections oversight commission
29 established under section 217.147, and the advisory committee

1 established under section 217.015, shall conduct biannual reviews
2 of every report written on the use of restraints on a pregnant or
3 postpartum offender in accordance with subsection 3 of this
4 section to determine compliance with this section. The written
5 reports shall be kept on file by the department for five years.

6 5. The chief administrative officer of each correctional
7 center shall:

8 (1) Ensure that employees of the correctional center who
9 come in contact with pregnant or postpartum offenders are
10 provided with training, which may include online training, on the
11 provisions of this section; and

12 (2) Inform female offenders of the policies and practices
13 developed in accordance with this section upon admission to the
14 correctional center, including the policies and practices in the
15 offender handbook, and post the policies and practices in
16 locations in the correctional center where such notices are
17 commonly posted and will be seen by female offenders, including
18 common housing areas and health care facilities."; and

19 Further amend the title and enacting clause accordingly.