

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 180**  
99TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, Infrastructure and Public Safety, March 2, 2017, with recommendation that the Senate Committee Substitute do pass.

0703S.08C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To amend chapter 217, RSMo, by adding thereto one new section relating to restraint of pregnant or postpartum offenders.

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

Section A. Chapter 217, RSMo, is amended by adding thereto one new  
2 section, to be known as section 217.151, to read as follows:

217.151. 1. This section shall be known and may be cited as the  
2 "Pregnant Offender Transportation, Evaluation, and Correctional  
3 Treatment Act, or the ProTECT Act".

4 2. For purposes of this section, "extraordinary circumstances"  
5 exist when a chief administrative officer or his or her designee makes  
6 a determination that restraints are necessary to prevent a pregnant or  
7 postpartum offender from escaping or seriously injuring herself, her  
8 unborn or newborn child, medical or correctional personnel, or others  
9 and that such restraints are in accordance with state or federal law or  
10 regulations pursuant to such laws. A chief administrative officer who  
11 makes such a determination in good faith shall not be held liable. For  
12 purposes of this section, "postpartum" is the period of recovery  
13 immediately following childbirth, which is six weeks for a vaginal birth  
14 or eight weeks for a cesarean birth, or longer if so determined by a  
15 physician or nurse.

16 3. The department shall establish by rule under section 217.040,  
17 policies and procedures for the transportation, evaluation, and  
18 treatment of pregnant and postpartum offenders consistent with the  
19 statutes of this state. The department shall consult with physicians,  
20 nursing, correctional, and other professional organizations in  
21 establishing such rules. Such rules shall include, but need not be

22 limited to:

23 (1) Any time restraints are used on a pregnant offender during  
24 the third trimester or on a postpartum offender for forty-eight hours  
25 post-delivery, the restraints shall be the least restrictive available and  
26 the most reasonable under the circumstances. If wrist restraints are  
27 used on a pregnant offender, such restraints shall be applied in the  
28 front so she is able to protect herself and her unborn child in the event  
29 of a forward fall. In no case shall leg, ankle, or waist restraints be used  
30 during examination and tests for symptoms of preterm labor, during  
31 labor and delivery, or during immediate post-delivery recuperation;

32 (2) Except in extraordinary circumstances, no restraints of any  
33 kind shall be used on offenders during the third trimester of pregnancy  
34 or for forty-eight hours post-delivery, whether during transportation  
35 to and from visits to health care providers outside of the correctional  
36 center, court proceedings, or other places, or during labor and delivery;

37 (3) Pregnant and postpartum offenders shall be transported to  
38 and from visits to health care providers outside of the correctional  
39 center, court proceedings, or other places in vehicles with seatbelts;

40 (4) If a doctor, nurse, or other health care provider treating a  
41 pregnant or postpartum offender requests that restraints not be used,  
42 the corrections officer accompanying the pregnant or postpartum  
43 offender shall immediately remove all restraints, unless there are  
44 extraordinary circumstances;

45 (5) Upon intake, a pregnant or postpartum offender shall be  
46 evaluated and treated for:

47 (a) Overall maternal health, and if necessary, provided dietary  
48 supplements for pregnant and breast-feeding offenders. Readily  
49 available and regularly scheduled obstetric care, beginning in early  
50 pregnancy and continuing through the postpartum period, shall be  
51 provided. The department shall, with the assistance of the department  
52 of social services and consent of the pregnant offender, consider  
53 enrolling an unborn child in the show-me healthy babies program  
54 under section 208.662;

55 (b) Substance abuse, and provided treatment, including, if  
56 necessary, provided opioid-assisted therapy for offenders who are  
57 opioid-dependent;

58 (c) Infection with human immunodeficiency virus (HIV), and if

59 HIV positive, provided treatment for maternal health and to prevent  
60 perinatal HIV transmission; and

61 (d) Depression or mental stress during pregnancy and for  
62 postpartum depression after delivery, and provided treatment as  
63 needed; and

64 (6) Required activities with a high risk of falling shall be  
65 avoided. Pregnant and postpartum offenders shall be given a bottom  
66 bunk during pregnancy and the postpartum period.

67 4. In the event a chief administrative officer or their designee  
68 determines that extraordinary circumstances exist and restraints are  
69 used, the chief administrative officer or their designee shall fully  
70 document in writing within seven days of the incident the reasons he  
71 or she determined such extraordinary circumstances existed, the kind  
72 of restraints used, and the reasons those restraints were considered the  
73 least restrictive available and the most reasonable under the  
74 circumstances.

75 5. The sentencing and corrections oversight commission  
76 established under section 217.147, and the advisory committee  
77 established under section 217.015, shall conduct biannual reviews of  
78 every report written on the use of restraints on a pregnant or  
79 postpartum offender in accordance with subsection 4 of this section to  
80 determine compliance with this section. The written reports shall be  
81 kept on file by the department for five years.

82 6. The chief administrative officer of each correctional center  
83 that houses pregnant and postpartum offenders shall:

84 (1) Ensure the employees of the correctional center who come in  
85 contact with pregnant or postpartum offenders are provided with  
86 training, which may include online training, on the provisions of this  
87 section; and

88 (2) Inform female offenders of the policies and procedures  
89 developed in accordance with this section upon admission to the  
90 correctional center, including the policies and procedures in the  
91 offender handbook, and post the policies and procedures in locations  
92 in the correctional center where such notices are commonly posted and  
93 will be seen by female offenders, including common housing areas and  
94 health care facilities.