

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 870, Page 66, Section 191.630, Line 13

of said page, by inserting after all of said line the following:

"217.151. 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, a postpartum offender forty-eight hours postdelivery, the staff of the correctional center 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. Unless extraordinary circumstances exist as determined by a corrections officer, a correctional center shall not use restraints on a pregnant offender in her third trimester during

1 transportation to and from visits to health care providers or
2 court proceedings, or during medical appointments and
3 examinations, labor, delivery, or forty-eight hours postdelivery.

4 3. In the event a corrections officer determines that
5 extraordinary circumstances exist and restraints are necessary,
6 the corrections officer shall fully document in writing within
7 forty-eight hours of the incident the reasons he or she
8 determined such extraordinary circumstances existed, the type of
9 restraints used, and the reasons those restraints were considered
10 the least restrictive available and the most reasonable under the
11 circumstances. Such documents shall be kept on file by the
12 correctional center for at least ten years from the date the
13 restraints were used.

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

23 5. If a doctor, nurse, or other health care provider
24 treating the pregnant offender in her third trimester or the
25 postpartum offender forty-eight hours postdelivery requests that
26 restraints not be used, the corrections officer accompanying such
27 offender shall immediately remove all restraints.

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

1 7. The sentencing and corrections oversight commission
2 established under section 217.147 and the advisory committee
3 established under section 217.015 shall conduct biannual reviews
4 of every report written on the use of restraints on a pregnant
5 offender in her third trimester or on a postpartum offender
6 forty-eight hours postdelivery in accordance with subsection 3 of
7 this section to determine compliance with this section. The
8 written reports shall be kept on file by the department for ten
9 years.

10 8. The chief administrative officer, or equivalent
11 position, of each correctional center shall:

12 (1) Ensure that employees of the correctional center are
13 provided with training, which may include online training, on the
14 provisions of this section and section 217.147; and

15 (2) Inform female offenders, in writing and orally, of any
16 policies and practices developed in accordance with this section
17 and section 217.149 upon admission to the correctional center,
18 including policies and practices in any offender handbook, and
19 post the policies and practices in locations in the correctional
20 center where such notices are commonly posted and will be seen by
21 female offenders, including common housing areas and health care
22 facilities.

23 221.520. 1. As used in this section, the following terms
24 shall mean:

25 (1) "Extraordinary circumstance", a substantial flight risk
26 or some other extraordinary medical or security circumstance that
27 dictates restraints be used to ensure the safety and security of
28 a pregnant prisoner in her third trimester, a postpartum prisoner
29 forty-eight hours postdelivery, the staff of the county or city

1 jail or medical facility, other prisoners, or the public;

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

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

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

10 2. Unless extraordinary circumstances exist as determined
11 by a sheriff or jailer, a county or city jail shall not use
12 restraints on a pregnant prisoner in her third trimester during
13 transportation to and from visits to health care providers or
14 court proceedings, medical appointments and examinations, or
15 during labor, delivery, or forty-eight hours postdelivery.

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

26 4. Anytime restraints are used on a pregnant prisoner in
27 her third trimester or on a postpartum prisoner forty-eight hours
28 postdelivery, the restraints shall be the least restrictive
29 available and the most reasonable under the circumstances. In no

1 case shall leg, ankle, or waist restraints or any mechanical
2 restraints be used on any such prisoner, and if wrist restraints
3 are used, such restraints shall be placed in the front of such
4 prisoner's body to protect the prisoner and fetus in the case of
5 a forward fall.

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

11 6. Pregnant prisoners shall be transported in vehicles
12 equipped with seatbelts.

13 7. The county or city jail shall:

14 (1) Ensure that employees of the jail are provided with
15 training, which may include online training, on the provisions of
16 this section and section 221.520; and

17 (2) Inform female prisoners, in writing and orally, of any
18 policies and practices developed in accordance with this section
19 and section 221.520 upon admission to the jail, and post the
20 policies and practices in locations in the jail where such
21 notices are commonly posted and will be seen by female
22 prisoners."; and

23 Further amend the title and enacting clause accordingly.