

SECOND REGULAR SESSION

SENATE BILL NO. 803

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 14, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4533S.03I

AN ACT

To amend chapters 217 and 221, RSMo, by adding thereto four new sections relating to pregnant or postpartum offenders in custody.

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

Section A. Chapters 217 and 221, RSMo, are amended by adding thereto
2 four new sections, to be known as sections 217.149, 217.151, 221.520, and
3 221.523, to read as follows:

**217.149. 1. By September 1, 2018, all correctional centers shall
2 develop specific procedures for the intake and care of offenders who
3 are pregnant, which shall include procedures regarding:**

- 4 **(1) Maternal health evaluations;**
- 5 **(2) Dietary supplements;**
- 6 **(3) Substance abuse treatment;**
- 7 **(4) Treatment for the human immunodeficiency virus and ways
8 to avoid human immunodeficiency virus transmission;**
- 9 **(5) Hepatitis C;**
- 10 **(6) Sleeping arrangements for such offenders, including
11 requiring such offenders to sleep on the bottom bunk bed;**
- 12 **(7) Access to mental health professionals;**
- 13 **(8) Sanitary materials;**
- 14 **(9) Postpartum recovery, including that no such offender shall
15 be placed in isolation during such recovery; and**
- 16 **(10) A requirement that a female medical professional be present
17 during any examination of such offender.**

18 **2. As used in this section, "postpartum recovery" means, as
19 determined by a physician, the period immediately following delivery,
20 including the entire period an offender who was pregnant is in the**

21 hospital or infirmary after delivery.

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

3 (1) "Extraordinary circumstance", a substantial flight risk or
4 some other extraordinary medical or security circumstance that
5 dictates restraints be used to ensure the safety and security of a
6 pregnant offender in her third trimester, a postpartum offender forty-
7 eight hours postdelivery, the staff of the correctional center or medical
8 facility, other offenders, or the public;

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

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

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

16 2. Unless extraordinary circumstances exist as determined by a
17 corrections officer, a correctional center shall not use restraints on a
18 pregnant offender in her third trimester during transportation to and
19 from visits to health care providers or court proceedings, or during
20 medical appointments and examinations, labor, delivery, or forty-eight
21 hours postdelivery.

22 3. In the event a corrections officer determines that
23 extraordinary circumstances exist and restraints are necessary, the
24 corrections officer shall fully document in writing within forty-eight
25 hours of the incident the reasons he or she determined such
26 extraordinary circumstances existed, the type of restraints used, and
27 the reasons those restraints were considered the least restrictive
28 available and the most reasonable under the circumstances. Such
29 documents shall be kept on file by the correctional center for at least
30 ten years from the date the restraints were used.

31 4. Any time restraints are used on a pregnant offender in her
32 third trimester or on a postpartum offender forty-eight hours
33 postdelivery, the restraints shall be the least restrictive available and
34 the most reasonable under the circumstances. In no case shall leg,
35 ankle, or waist restraints or any mechanical restraints be used on any
36 such offender, and if wrist restraints are used, such restraints shall be

37 placed in the front of such offender's body to protect the offender and
38 fetus in the case of a forward fall.

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

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

46 7. The sentencing and corrections oversight commission
47 established under section 217.147 and the advisory committee
48 established under section 217.015 shall conduct biannual reviews of
49 every report written on the use of restraints on a pregnant offender in
50 her third trimester or on a postpartum offender forty-eight hours
51 postdelivery in accordance with subsection 3 of this section to
52 determine compliance with this section. The written reports shall be
53 kept on file by the department for ten years.

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

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

59 (2) Inform female offenders, in writing and orally, of any policies
60 and practices developed in accordance with this section and section
61 217.149 upon admission to the correctional center, including policies
62 and practices in any offender handbook, and post the policies and
63 practices in locations in the correctional center where such notices are
64 commonly posted and will be seen by female offenders, including
65 common housing areas and health care facilities.

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

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

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

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

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

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

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

31 4. Anytime restraints are used on a pregnant prisoner in her
32 third trimester or on a postpartum prisoner forty-eight hours
33 postdelivery, the restraints shall be the least restrictive available and
34 the most reasonable under the circumstances. In no case shall leg,
35 ankle, or waist restraints or any mechanical restraints be used on any
36 such prisoner, and if wrist restraints are used, such restraints shall be
37 placed in the front of such prisoner's body to protect the prisoner and
38 fetus in the case of a forward fall.

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

44 6. Pregnant prisoners shall be transported in vehicles equipped
45 with seatbelts.

46 **7. The county or city jail shall:**

47 **(1) Ensure that employees of the jail are provided with training,**
48 **which may include online training, on the provisions of this section and**
49 **section 221.520; and**

50 **(2) Inform female prisoners, in writing and orally, of any policies**
51 **and practices developed in accordance with this section and section**
52 **221.520 upon admission to the jail, and post the policies and practices**
53 **in locations in the jail where such notices are commonly posted and**
54 **will be seen by female prisoners.**

221.523. 1. By September 1, 2018, all county and city jails shall
2 **develop specific procedures for the intake and care of prisoners who**
3 **are pregnant, which shall include procedures regarding:**

4 **(1) Maternal health evaluations;**

5 **(2) Dietary supplements;**

6 **(3) Substance abuse treatment;**

7 **(4) Treatment for the human immunodeficiency virus and ways**
8 **to avoid human immunodeficiency virus transmission;**

9 **(5) Hepatitis C;**

10 **(6) Sleeping arrangements for such prisoners, including**
11 **requiring such prisoners to sleep on the bottom bunk bed;**

12 **(7) Access to mental health professionals;**

13 **(8) Sanitary materials;**

14 **(9) Postpartum recovery, including that no such prisoner shall**
15 **be placed in isolation during such recovery; and**

16 **(10) A requirement that a female medical professional be present**
17 **during any examination of such prisoner.**

18 **2. As used in this section, "postpartum recovery" means, as**
19 **determined by a physician, the period immediately following delivery,**
20 **including the entire period a prisoner who was pregnant is in the**
21 **hospital or infirmary after delivery.**

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