

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Jones offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 75-184 and insert:

5 in medical isolation, in a medical housing unit, or in the
6 infirmary.

7 (k) "Trimester" means one of the following three distinct
8 periods of time in the duration of a pregnancy:

9 1. "First trimester," which is the period of time from
10 fertilization through the end of the 11th week of gestation.

11 2. "Second trimester," which is the period of time from
12 the beginning of the 12th week of gestation through the end of
13 the 23rd week of gestation.

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14 3. "Third trimester," which is the period of time from the
15 beginning of the 24th week of gestation through birth.

16 (3) RESTRAINT OF PRISONERS.—

17 (a) Restraints may not be used on a prisoner who is known
18 to be pregnant during labor, delivery, and postpartum recovery,
19 unless the corrections official makes an individualized
20 determination that the prisoner presents an extraordinary
21 circumstance, except that:

22 1. The physician may request that restraints not be used
23 for documentable medical purposes. The correctional officer,
24 correctional institution employee, or other officer accompanying
25 the pregnant prisoner may consult with the medical staff;
26 however, if the officer determines there is an extraordinary
27 public safety risk, the officer is authorized to apply
28 restraints as limited by subparagraph 2.

29 2. ~~Under no circumstances shall~~ Leg, ankle, or waist
30 restraints may not be used on any pregnant prisoner who is in
31 labor or delivery.

32 (b) If restraints are used on a pregnant prisoner pursuant
33 to paragraph (a):

34 1. The type of restraint applied and the application of
35 the restraint must be done in the least restrictive manner
36 necessary; and

37 2. The corrections official shall make written findings
38 within 10 days after the use of restraints as to the

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39 extraordinary circumstance that dictated the use of the
40 restraints. These findings shall be kept on file by the
41 department or correctional institution for at least 5 years.

42 (c) During the third trimester of pregnancy or when
43 requested by the physician treating a pregnant prisoner, unless
44 there are significant documentable security reasons noted by the
45 department or correctional institution to the contrary that
46 would threaten the safety of the prisoner, the unborn child, or
47 the public in general:

48 1. Leg, ankle, and waist restraints may not be used; and

49 2. If wrist restraints are used, they must be applied in
50 the front so the pregnant prisoner is able to protect herself in
51 the event of a forward fall.

52 (d) In addition to the specific requirements of paragraphs
53 (a)-(c), any restraint of a prisoner who is known to be pregnant
54 must be done in the least restrictive manner necessary in order
55 to mitigate the possibility of adverse clinical consequences.

56 (4) ENFORCEMENT.—

57 (a) Notwithstanding any relief or claims afforded by
58 federal or state law, any prisoner who is restrained in
59 violation of this section may file a grievance with the
60 correctional institution, and be granted a 45-day extension if
61 requested in writing pursuant to rules promulgated by the
62 correctional institution.

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63 (b) This section does not prevent a woman harmed through
64 the use of restraints under this section from filing a complaint
65 under any other relevant provision of federal or state law.

66 (5) RESTRICTIVE HOUSING.—

67 (a) Except as provided in paragraph (b) or paragraph (d),
68 a pregnant prisoner may not be involuntarily placed in
69 restrictive housing during the:

70 1. Third trimester of pregnancy.

71 2. First or second trimester of pregnancy, if the
72 individual overseeing prenatal care and medical treatment at the
73 correctional institution determines that restrictive housing
74 poses a danger of adverse clinical consequences for the prisoner
75 and documents such determination in the prisoner's medical file.

76 (b) A pregnant prisoner as described in subparagraph (a)1.
77 or subparagraph (a)2. may be involuntarily placed in restrictive
78 housing only if the corrections official of the correctional
79 institution makes an individualized determination that
80 restrictive housing is necessary to protect the health and
81 safety of the prisoner or others or to preserve the security and
82 order of the correctional institution and that there are no less
83 restrictive means available. After placing a pregnant prisoner
84 in restrictive housing under this paragraph, the corrections
85 official must write a report stating:

86 1. The individualized reason restrictive housing is
87 necessary.

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88 2. The reason less restrictive means are not available.

89 3. Whether the individual overseeing prenatal care and
90 medical treatment at the correctional institution objects to the
91 placement.

92
93 The corrections official must provide a copy of such report to
94 the prisoner within 12 hours after placing the prisoner in
95 restrictive housing.

96 (c) A pregnant prisoner who is placed in restrictive
97 housing under this section must be:

98 1. Seen by a qualified health care professional at least
99 once every 24 hours.

100 2. Housed in the least restrictive setting consistent with
101 the health and safety of the prisoner.

102 3. Given a medical treatment plan developed and approved
103 by the individual overseeing prenatal care and medical treatment
104 at the correctional institution if the inmate does not already
105 have such a treatment plan in place.

106 (d) If a pregnant prisoner needs medical care, a primary
107 care nurse practitioner or obstetrician must provide an order
108 for the prisoner to be placed in designated medical housing unit
109 or admitted to the infirmary. If the prisoner has passed her due
110 date, she must be placed in designated medical housing unit or
111 admitted to the infirmary until labor begins. A pregnant
112 prisoner who has been placed in designated medical housing unit

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113 or admitted to the infirmary must be provided the same access to
114 outdoor recreation, visitation, mail, telephone calls, and other
115 privileges and classes available to the general population
116 unless the corrections official, after consulting with the
117 individual overseeing prenatal care and medical treatment at the
118 correctional institution, determines that such access poses a
119 danger to the safety and security of the correctional
120 institution or the individual overseeing prenatal care and
121 medical

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T I T L E A M E N D M E N T

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Remove lines 15-17 and insert:

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prisoners to be placed in designated medical housing unit

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or admitted to the infirmary under certain circumstances;

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providing certain rights for pregnant prisoners placed in

129

designated medical housing unit or admitted to the

130

infirmary;

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