

HB0829/622519/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 829

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “and Reporting”; strike beginning with “prohibiting” in line 6 down through “circumstances;” in line 11 and substitute “providing that it is the policy of the State that restraint of pregnant inmates during labor and delivery should not be used unless determined necessary by an attending medical professional, facility security staff, or correctional staff; providing certain requirements and considerations in the use of a restraint of a pregnant inmate;”; strike beginning with “providing” in line 13 down through “facility;” in line 14; and strike beginning with “requiring” in line 16 down through “year;” in line 18.

On page 2, in line 2, after “Section” insert “9-601.1 and”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 9 on page 3 through line 6 on page 4, inclusive.

On page 4, in lines 7, 21, and 31, in each instance, strike the brackets; and in lines 7, 21, and 31, strike “(E)”, “(F)”, and “(G)”, respectively.

AMENDMENT NO. 3

On page 5, after line 4, insert:

“9-601.1.

(A) GIVEN THAT PHYSICAL RESTRAINT MAY BE POTENTIALLY HARMFUL TO AN EXPECTANT MOTHER AND FETUS, ESPECIALLY IN THE 3RD TRIMESTER AND DURING LABOR, IT IS THE PUBLIC POLICY OF THE STATE THAT RESTRAINT

(Over)

OF PREGNANT INMATES DURING LABOR AND DELIVERY SHALL NOT BE USED UNLESS DETERMINED NECESSARY BY AN ATTENDING MEDICAL PROFESSIONAL, FACILITY SECURITY STAFF, OR CORRECTIONAL STAFF.

(B) (1) THE APPLICATION OF RESTRAINTS DURING PREPARTUM AND POSTPARTUM PERIODS OF THE INMATE OTHER THAN THOSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL ALSO BE AVOIDED TO THE EXTENT POSSIBLE.

(2) WHEN RESTRAINTS ARE APPLIED TO AN INMATE DESCRIBED IN THIS SECTION, THE RESTRAINTS SHALL BE APPLIED WITH CONSULTATION FROM MEDICAL STAFF, FACILITY SECURITY STAFF, AND CORRECTIONAL STAFF.

(C) CORRECTIONAL STAFF, MEDICAL STAFF, HOSPITAL SECURITY STAFF, AND THE INMATE SHALL COOPERATE FOR THE MOST SUCCESSFUL OUTCOME OF THE INMATE'S PREGNANCY.

(D) RESTRAINTS MAY NOT BE USED ON AN INMATE KNOWN TO BE IN THE 3RD TRIMESTER OF PREGNANCY, INCLUDING DURING LABOR, TRANSPORT TO A MEDICAL FACILITY OR BIRTHING CENTER, DELIVERY, OR POSTPARTUM RECOVERY, UNLESS NECESSARY TO ENSURE THE SAFETY AND SECURITY OF THE INMATE, THE STAFF OF THE CORRECTIONAL INSTITUTION OR MEDICAL FACILITY, OTHER INMATES, OR THE PUBLIC OR UNLESS THE RESTRAINTS ARE REQUIRED BY THE MEDICAL FACILITY OR HOSPITAL.

(E) IF RESTRAINT IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION IS NECESSARY, THE RESTRAINING SHALL BE DONE BY THE LEAST RESTRICTIVE MEANS NECESSARY AND IN A WAY THAT MITIGATES ADVERSE CLINICAL CONSEQUENCES.

(F) RESTRAINTS THAT DIRECTLY CONSTRICT THE ABDOMINAL AREA MAY NOT BE USED ON A PREGNANT INMATE.

AMENDMENT NO. 4

On page 5, in line 6, strike “(A)”.

On pages 5 and 6, strike in their entirety the lines beginning with line 23 on page 5 through line 6 on page 6, inclusive.

AMENDMENT NO. 5

On page 7, in line 4, strike “2ND OR”; strike beginning with “PREVENT” in line 7 down through “STAFF” in line 8 and substitute “ENSURE THE SAFETY AND SECURITY OF THE JUVENILE, MEDICAL PERSONNEL, JUVENILE SERVICES STAFF, OTHER JUVENILES, OR THE PUBLIC OR UNLESS THE RESTRAINT IS REQUIRED BY THE MEDICAL FACILITY OR HOSPITAL CONSISTENT WITH EVOLVING BEST PRACTICES AND STANDARDS”; strike in their entirety lines 9 through 15, inclusive; and in line 16, strike “3.” and substitute “2.”.