

2018 -- S 2268 SUBSTITUTE A

LC004089/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

**RELATING TO STATE AFFAIRS AND GOVERNMENT - THE HEALTHY PREGNANCIES
FOR INCARCERATED WOMEN ACT**

Introduced By: Senators Lynch Prata, Metts, Gee, Quezada, and Nesselbush

Date Introduced: February 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-29 of the General Laws entitled "Sheriffs" is hereby amended
2 by adding thereto the following section:

3 **42-29-32. Restraint of prisoners and detainees.**

4 (a) No handcuffs, shackles or other restraints shall be used on a prisoner or detainee
5 known to be in her third trimester of pregnancy during transport to or from a court proceeding,
6 except in accordance with the provisions of § 42-56.3-3(b). If restraints are used, the type of
7 restraint applied and the application of the restraint shall be done in the least restrictive manner
8 necessary.

9 (b) If restraints are used on a prisoner or detainee pursuant to subsection (a) of this
10 section, the sheriff shall submit to the director of the department of public safety within five (5)
11 days a report articulating the grounds that dictated the use of restraints. The department shall
12 submit to the general assembly in January of each year a report disclosing the number of
13 prisoners or detainees who were subjected to restraints pursuant to subsection (a) of this section,
14 and the grounds for their use. No individually identifying information of any prisoner or detainee
15 shall be included in the report.

16 SECTION 2. Chapter 42-56.3 of the General Laws entitled "The Healthy Pregnancies for
17 Incarcerated Women Act" is hereby amended by adding thereto the following section:

18 **42-56.3-8. Reports.**

1 The department shall report to the general assembly in January of each year the number
2 of pregnant women incarcerated at the adult correctional institutions during the previous year, and
3 the number who were subject to the use of restraints as specified in § 42-56.3-3(e). These findings
4 shall be made available for public inspection, except that no individually identifying information
5 of any prisoner or detainee shall be made public without the prisoner or detainee's written
6 consent.

7 SECTION 3. This act shall take effect January 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - THE HEALTHY PREGNANCIES
FOR INCARCERATED WOMEN ACT

1 This act would prohibit the use of restraints on a prisoner or detainee known to be in her
2 third trimester of pregnancy during transport to or from court proceedings by sheriffs as well as
3 the department of corrections and require the department of public safety and corrections to
4 submit annual reports to the general assembly regarding the number of prisoners or detainees
5 known to be in their third trimester of pregnancy who were transported or restrained at the adult
6 correctional institution.

7 This act would take effect on January 1, 2019.

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