

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2026, Page 1, Section A, Line 2, by inserting immediately after said
2 section and line the following:

3
4 "217.149. 1. By September 1, 2018, all correctional centers shall develop specific
5 procedures for the intake and care of offenders who are pregnant, which shall include procedures
6 regarding:

7 (1) Maternal health evaluations;

8 (2) Dietary supplements;

9 (3) Substance abuse treatment;

10 (4) Treatment for the human immunodeficiency virus and ways to avoid human
11 immunodeficiency virus transmission;

12 (5) Hepatitis C;

13 (6) Sleeping arrangements for such offenders, including requiring such offenders to sleep on
14 the bottom bunk bed;

15 (7) Access to mental health professionals;

16 (8) Sanitary materials;

17 (9) Postpartum recovery, including that no such offender shall be placed in isolation during
18 such recovery;

19 (10) A requirement that a female medical professional be present during any examination of
20 such offender; and

21 (11) The department shall, with the assistance of the department of social services and
22 consent of the pregnant offender, consider enrolling an unborn child in the show-me healthy babies
23 program under section 208.662.

24 2. As used in this section "postpartum recovery" means, as determined by a physician, the
25 period immediately following delivery, including the entire period an offender who was pregnant is
26 in the hospital or infirmary after delivery.

27 217.151. 1. As used in this section, the following terms mean:

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

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

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

36 (4) "Restraints", any physical restraint or other device used to control the movement of a

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1 person's body or limbs.

2 2. A correctional center shall not use restraints on a pregnant offender in her third trimester,
 3 whether during transportation to and from visits to health care providers and court proceedings or
 4 medical appointments and examinations, or during labor, delivery, or within forty-eight hours
 5 postdelivery.

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

7 4. Any time restraints are used on a pregnant offender in her third trimester or on a
 8 postpartum offender within forty-eight hours postdelivery, the restraints shall be the least restrictive
 9 available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist
 10 restraints or any mechanical restraints be used on any such offender, and if wrist restraints are used,
 11 such restraints shall be placed in the front of such offender's body to protect the offender and the
 12 unborn child in the case of a forward fall.

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

16 6. In the event a corrections officer determines that extraordinary circumstances exist and
 17 restraints are necessary, the corrections officer shall fully document in writing within forty-eight
 18 hours of the incident the reasons he or she determined such extraordinary circumstances existed, the
 19 type of restraints used, and the reasons those restraints were considered the least restrictive available
 20 and the most reasonable under the circumstances. Such documents shall be kept on file by the
 21 correctional center for at least ten years from the date the restraints were used.

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

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

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

31 (2) Inform female offenders, in writing and orally, of any policies and practices developed
 32 in accordance with this section upon admission to the correctional center, including policies and
 33 practices in any offender handbook, and post the policies and practices in locations in the
 34 correctional center where such notices are commonly posted and will be seen by female offenders,
 35 including common housing areas and health care facilities."; and

36
 37 Further amend said bill and page, Section 221.050, Line 4, by inserting immediately after said
 38 section and line the following:

39
 40 "221.520. 1. As used in this section, the following terms shall mean:

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

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

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

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

3 2. A county or city jail shall not use restraints on a pregnant prisoner in her third trimester,
4 whether during transportation to and from visits to health care providers and court proceedings or
5 medical appointments and examinations, or during labor, delivery, or forty-eight hours postdelivery.

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

7 4. Anytime restraints are used on a pregnant prisoner in her third trimester or on a
8 postpartum prisoner within forty-eight hours postdelivery, the restraints shall be the least restrictive
9 available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist
10 restraints or any mechanical restraints be used on any such prisoner, and if wrist restraints are used,
11 such restraints shall be placed in the front of such prisoner's body to protect the prisoner and the
12 unborn child in the case of a forward fall.

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

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

22 7. The county or city jail shall:

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

25 (2) Inform female prisoners, in writing and orally, of any policies and practices developed
26 in accordance with this section upon admission to the jail, and post the policies and practices in
27 locations in the jail where such notices are commonly posted and will be seen by female prisoners.

28 221.523. 1. By September 1, 2018, all county and city jails shall develop specific
29 procedures for the intake and care of prisoners who are pregnant, which shall include procedures
30 regarding:

31 (1) Maternal health evaluations;

32 (2) Dietary supplements;

33 (3) Substance abuse treatment;

34 (4) Treatment for the human immunodeficiency virus and ways to avoid human
35 immunodeficiency virus transmission;

36 (5) Hepatitis C;

37 (6) Sleeping arrangements for such prisoners, including requiring such prisoners to sleep on
38 the bottom bunk bed;

39 (7) Access to mental health professionals;

40 (8) Sanitary materials;

41 (9) Postpartum recovery, including that no such prisoner shall be placed in isolation during
42 such recovery;

43 (10) A requirement that a female medical professional be present during any examination of
44 such prisoner; and

45 (11) The jail shall, with the assistance of the department of social services and consent of
46 the pregnant offender, consider enrolling an unborn child in the show-me healthy babies program
47 under section 208.662.

48 2. As used in this section "postpartum recovery" means, as determined by a physician, the

- 1 period immediately following delivery, including the entire period a prisoner who was pregnant is in
- 2 the hospital or infirmary after delivery."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.