

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 291, Page 22, Section 190.462, Line 44, by inserting after said section and line the  
3 following:  
4

5 "221.520. 1. As used in this section, the following terms shall mean:

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

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

11 (3) "Major bodily function", functions of the immune system, normal cell growth, and  
12 digestive, bowel, bladder, neurological, respiratory, circulatory, endocrine, and reproductive  
13 functions;

14 (4) "Medical emergency", a condition that, based on reasonable medical judgment, so  
15 complicates the medical condition of a pregnant woman as to necessitate the immediate removal of  
16 restraints to avert the death of the pregnant woman or for which a delay in removal of restraints will  
17 create a serious risk of substantial and irreversible physical impairment of a major bodily function of  
18 the pregnant woman;

19 (5) "Physician", any person licensed by the state board of registration for the healing arts to  
20 practice medicine in this state;

21 (6) "Postpartum", the period of recovery immediately following childbirth, which is six  
22 weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a  
23 physician or nurse;

24 (7) "Reasonable medical judgment", a medical judgment made by a reasonably prudent  
25 physician, knowledgeable about the case and the treatment possibilities with respect to the medical  
26 conditions involved;

27 (8) "Restraints", any physical restraint or other device used to control the movement of a  
28 person's body or limbs

29 (9) "Third trimester", gestational age, which is the length of pregnancy as measured from  
30 the first day of the woman's last menstrual period, of twenty-eight weeks or more;

31 (10) "Unborn child", the offspring of human beings from the moment of conception until  
32 birth and at every state of its biological development, including the human conceptus, zygote,  
33 morula, blastocyst, embryo, and fetus.

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

2       4. Any time restraints are used on a pregnant prisoner in her third trimester or on a  
3 postpartum prisoner within forty-eight hours postdelivery, as documented by a physician and for  
4 which the county or city officer or sheriff or jailer has written notice, the restraints shall be the least  
5 restrictive available and the most reasonable under the circumstances. Only in extraordinary  
6 circumstances, as determined by a county or city officer or jail official, shall ankle or waist restraints  
7 be used on any such offender.

8       5. If, based on his or her reasonable medical judgment, a doctor, nurse, or other licensed  
9 health care provider treating the pregnant prisoner in her third trimester or the postpartum prisoner  
10 within forty-eight hours postdelivery, as previously documented by a physician, finds that a medical  
11 emergency exists and requests that restraints not be used, the county or city officer or sheriff or  
12 jailer accompanying such prisoner shall immediately remove all restraints.

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

20       7. The county or city jail shall inform female prisoners, in writing and orally, of any policies  
21 and practices developed in accordance with this section upon admission to the jail, and post the  
22 policies and practices in locations in the jail where such notices are commonly posted and will be  
23 seen by female prisoners."; and

24  
25 Further amend said bill by amending the title, enacting clause, and intersectional references  
26 accordingly.