

Senate Bill 632

Sponsored by COMMITTEE ON HEALTH CARE, HUMAN SERVICES AND RURAL HEALTH POLICY (at the request of Women's Commission on Alcohol and Drugs)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits correctional officers from using physical restraints on pregnant offender when transported to or from correctional institution during third trimester of pregnancy or post-partum recovery except to prevent escape or injury. Requires written documentation of determination to use physical restraints.

Prohibits presence of correctional officer during labor or childbirth of incarcerated pregnant offender, unless medical provider requests otherwise. Authorizes medical provider to request removal of physical restraints during labor and childbirth.

Requires informational packet to be provided to correctional officers, incarcerated pregnant offenders, persons involved in transportation of incarcerated pregnant offenders and medical providers attending incarcerated pregnant offenders.

A BILL FOR AN ACT

1
2 Relating to pregnant inmates.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1)(a) A corrections officer or youth correction officer who knows or should**
5 **know that an offender incarcerated in a Department of Corrections institution as defined in**
6 **ORS 421.005 or a youth correction facility as defined in ORS 420.005 is pregnant or recently**
7 **gave birth may not use physical restraints on the offender during the third trimester of her**
8 **pregnancy or during post-partum recovery when the offender is being transported to or from**
9 **the institution or facility unless the corrections officer or youth correction officer deter-**
10 **mines that physical restraints are necessary to prevent the offender from escaping or from**
11 **injuring herself or any other person.**

12 **(b) If the corrections officer or youth correction officer determines that physical re-**
13 **straints are necessary:**

14 **(A) The restraints must be reasonable and the least restrictive available and may not**
15 **include leg irons or waist chains; and**

16 **(B) The corrections officer or youth correction officer must document the determination**
17 **in writing.**

18 **(2)(a) No corrections officer or youth correction officer may be present during the labor**
19 **or childbirth of an offender incarcerated in a Department of Corrections institution or a**
20 **youth correction facility, unless the medical provider attending the offender requests other-**
21 **wise.**

22 **(b) Upon request of the medical provider, a corrections officer or youth correction officer**
23 **shall remove all physical restraints on the pregnant offender during labor and childbirth.**

24 **(3) The Director of the Department of Corrections and the Director of the Oregon Youth**
25 **Authority shall adopt rules to implement the provisions of this section applicable to Depart-**
26 **ment of Corrections institutions and officers and to youth correction facilities and officers,**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 respectively.

2 (4) The Director of the Department of Corrections and the Director of the Oregon Youth
3 Authority shall provide an informational packet including the rules adopted under subsection
4 (3) of this section to, as applicable:

5 (a) Department of Corrections officers;

6 (b) Oregon Youth Authority officers;

7 (c) Offenders incarcerated in Department of Corrections institutions and youth cor-
8 rection facilities who are known or should be known by corrections officers or youth cor-
9 rection officers, respectively, to be pregnant or recently to have given birth;

10 (d) Persons involved in the transportation of offenders who are pregnant or recently gave
11 birth to and from Department of Corrections institutions and youth correction facilities; and

12 (e) Medical providers attending offenders who are pregnant or recently gave birth and
13 who are incarcerated in Department of Corrections institutions and youth correction facili-
14 ties.

15 (5) A notice containing the requirements of this section must be posted in conspicuous
16 locations in Department of Corrections institutions and youth correction facilities, including
17 areas in which medical care is provided inside the institutions and facilities.

18