

HOUSE AMENDMENTS TO HOUSE BILL 2535

By COMMITTEE ON JUDICIARY

March 14

1 On page 1 of the printed bill, line 2, after “facilities” insert “; and prescribing an effective
2 date”.

3 On page 2, delete lines 9 through 11 and insert:

4 “(3) The department shall have one employee serve as the contact and coordinator for all per-
5 sons providing doula services at the Coffee Creek Correctional Facility.”.

6 In line 36, after the period delete the rest of line and delete lines 37 and 38.

7 On page 3, delete lines 3 through 15 and insert:

8 **“SECTION 2. (1) An adult in custody may not be restrained mechanically during labor,
9 childbirth or postpartum recovery in a hospital unless:**

10 **“(a) The mechanical restraints are reasonably necessary, as determined by a supervising
11 officer, for the safety and security of the adult in custody, correctional staff, other persons
12 or the public; and**

13 **“(b) The attending physician determines that use of the mechanical restraints does not
14 present a medical risk to the adult in custody.**

15 **“(2) Notwithstanding subsection (1) of this section, the use of a mechanical restraint:**

16 **“(a) May not interfere with the adult in custody’s ability to hold the infant, nurse the
17 infant, establish a milk supply, obtain lactation support or receive other postpartum recovery
18 care from hospital staff.**

19 **“(b) Must be in the least restrictive manner possible.**

20 **“SECTION 3. After giving birth to a child at a hospital, an adult in custody must be
21 subject to medically appropriate procedures constituting the least restrictive means to en-
22 sure safe transport to and arrival at a Department of Corrections facility.**

23 **“SECTION 4. (1) Prior to implementing the doula program established under section 1
24 of this 2023 Act, the Department of Corrections shall develop procedures, informed by feed-
25 back from stakeholders and received at the listening sessions described in subsection (2) of
26 this section, to:**

27 **“(a) Document compliance or noncompliance with the checklist of policies under section
28 1 (6) of this 2023 Act and ensure that the documentation is stored in the adult in custody’s
29 file.**

30 **“(b) Document any use of mechanical restraints under section 2 of this 2023 Act, in-
31 cluding when and why the restraints were used and ensure that the documentation is stored
32 in the adult in custody’s file.**

33 **“(c) Minimize the severity and invasiveness of the transport and arrival procedures de-
34 scribed in section 3 of this 2023 Act, including strip searches and body cavity searches.**

35 **“(2) The department shall participate in at least two listening sessions with individuals**

1 who gave birth while in the custody of the department.

2 “(3)(a) The department shall provide a report on the actions taken to implement the
3 doula program to the interim committees of the Legislative Assembly related to the judiciary
4 in the manner provided under ORS 192.245 no later than March 15, 2024.

5 “(b) The report must examine the procedures described in subsection (1) of this section.

6 “SECTION 5. Section 4 of this 2023 Act is repealed on January 2, 2025.

7 “SECTION 6. (1) Sections 1 to 3 of this 2023 Act become operative on June 1, 2024.

8 “(2) The Department of Corrections may take any action before the operative date spec-
9 ified in subsection (1) of this section to enable the department to exercise, on and after the
10 operative date specified in subsection (1) of this section, all of the duties, functions and
11 powers conferred on the department by sections 1 to 3 of this 2023 Act.

12 “SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023
13 regular session of the Eighty-second Legislative Assembly adjourns sine die.”

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