

Requested by Representative REYNOLDS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2535**

1 On page 1 of the printed bill, line 2, after “facilities” insert “; and pre-
2 scribing an effective 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
5 coordinator for all persons providing doula services at the Coffee Creek
6 Correctional Facility.”.

7 In line 36, after the period delete the rest of line and delete lines 37 and
8 38.

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

10 **“SECTION 2. (1) An adult in custody may not be restrained me-
11 chanically during labor, childbirth or postpartum recovery in a hospi-
12 tal unless:**

13 **“(a) The mechanical restraints are reasonably necessary, as deter-
14 mined by a supervising officer, for the safety and security of the adult
15 in custody, correctional staff, other persons or the public; and**

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

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

20 **“(a) May not interfere with the adult in custody’s ability to hold the
21 infant, nurse the infant, establish a milk supply, obtain lactation**

1 support or receive other postpartum recovery care from hospital staff.

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

3 **“SECTION 3.** After giving birth to a child at a hospital, an adult in
4 custody must be subject to medically appropriate procedures consti-
5 tuting the least restrictive means to ensure safe transport to and ar-
6 rival at a Department of Corrections facility.

7 **“SECTION 4. (1)** Prior to implementing the doula program estab-
8 lished under section 1 of this 2023 Act, the Department of Corrections
9 shall develop procedures, informed by feedback from stakeholders and
10 received at the listening sessions described in subsection (2) of this
11 section, to:

12 **“(a)** Document compliance or noncompliance with the checklist of
13 policies under section 1 (6) of this 2023 Act and ensure that the doc-
14 umentation is stored in the adult in custody’s file.

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

18 **“(c)** Minimize the severity and invasiveness of the transport and
19 arrival procedures described in section 3 of this 2023 Act, including
20 strip searches and body cavity searches.

21 **“(2)** The department shall participate in at least two listening ses-
22 sions with individuals who gave birth while in the custody of the de-
23 partment.

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

28 **“(b)** The report must examine the procedures described in sub-
29 section (1) of this section.

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

1 2025.

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

4 **“(2) The Department of Corrections may take any action before the**
5 **operative date specified in subsection (1) of this section to enable the**
6 **department to exercise, on and after the operative date specified in**
7 **subsection (1) of this section, all of the duties, functions and powers**
8 **conferred on the department by sections 1 to 3 of this 2023 Act.**

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

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