

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 920

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

1967H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 217 and 221, RSMo, by adding thereto six new sections relating to female offenders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 217 and 221, RSMo, are amended by adding thereto six new sections, to be known as sections 217.149, 217.199, 221.065, 221.520, 221.523, and 221.525, to read as follows:

217.149. 1. Female inmates in the last trimester of pregnancy or throughout an at-risk pregnancy may be considered for a pregnancy furlough if the chief medical administrator verifies that the level of medical care that will be rendered to the inmate outside the correctional center is sufficient for the health care needs of the inmate and her unborn child.

2. A plan of community supervision shall be developed by a probation or parole officer and approved by the chief administrative officer of the inmate's correctional center, and arrangements shall be made for monitoring the inmate's activities while on furlough. The plan of community supervision shall include supervision contact by the division of probation and parole while the inmate is on furlough status. The correctional center placing the inmate on furlough status shall contact the division of probation and parole in the district where the inmate will be residing during the furlough period and develop community control supervision contact standards. The developed plan shall be attached to the furlough request.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 3. The correctional center placing the inmate on furlough status shall be
16 responsible for the monitoring of the inmate's progress while on the furlough. Monitoring
17 shall include any changes in the inmate's medical condition or any violations of the rules
18 concerning the furlough. Any changes or violations detected shall be reported immediately
19 to the chief administrative officer of the correctional center placing the inmate on furlough.

20 4. The chief administrative officer of the correctional center is authorized to
21 terminate a pregnancy furlough at any time during the furlough period for noncompliance
22 with the conditions of the furlough. The pregnancy furlough shall be terminated within
23 one week after a satisfactory six-week postpartum examination for a vaginal birth or eight-
24 week postpartum examination for a cesarean birth.

 217.199. 1. As used in this section, "healthcare products" include tampons and
2 sanitary napkins.

3 2. The director shall ensure that healthcare products are available for free to
4 offenders while confined in any correctional center of the department, in a quantity that
5 is appropriate for the healthcare needs of each offender. The director shall ensure that the
6 healthcare products conform with applicable industry standards.

 221.065. 1. As used in this section, "healthcare products" include tampons and
2 sanitary napkins.

3 2. Every sheriff and jailer who holds a person in custody pursuant to a writ or
4 process or for a criminal offense shall ensure that healthcare products are available for
5 free to such person while in custody, in a quantity that is appropriate for the healthcare
6 needs of the person. The sheriff or jailer shall ensure that the healthcare products conform
7 with applicable industry standards.

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

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

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

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

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

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

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

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

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

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

37 **7. The county or city jail shall:**

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

40 **(2) Inform female offenders, in writing and orally, of any policies and practices**
41 **developed in accordance with this section upon admission to the jail, and post the policies**
42 **and practices in locations in the jail where such notices are commonly posted and will be**
43 **seen by female offenders.**

221.523. 1. By September 1, 2019, all county and city jails shall develop specific
2 **procedures for the intake and care of offenders who are pregnant, which shall include**
3 **procedures regarding:**

4 **(1) Maternal health evaluations;**

5 **(2) Dietary supplements;**

6 **(3) Substance abuse treatment;**

- 7 (4) Treatment for the human immunodeficiency virus and ways to avoid human
8 immunodeficiency virus transmission;
- 9 (5) Hepatitis C;
- 10 (6) Sleeping arrangements for such offenders, including requiring such offenders
11 to sleep on the bottom bunk bed;
- 12 (7) Access to mental health professionals;
- 13 (8) Sanitary materials;
- 14 (9) Postpartum recovery, including that no such offender shall be placed in
15 isolation during such recovery; and
- 16 (10) A requirement that a female medical professional be present during any
17 examination of such offender.

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

211.525. 1. Female offenders in the last trimester of pregnancy or through an at-
2 risk pregnancy may be considered for a pregnancy furlough if a physician verifies that the
3 level of medical care that will be rendered to the offender outside the jail is sufficient for
4 the health care needs of the offender and her unborn child.

5 2. A plan of community supervision shall be developed by a probation or parole
6 officer and approved by the sheriff or jailer of the offender's jail, and arrangements shall
7 be made for monitoring the offender's activities while on furlough. The plan of community
8 supervision shall include supervision contact by the division of probation and parole while
9 the offender is on furlough status. The jail placing the offender on furlough status shall
10 contact the division of probation and parole in the district where the offender will be
11 residing during the furlough period and develop community control supervision contact
12 standards. The developed plan shall be attached to the furlough request.

13 3. The jail placing the offender on furlough status shall be responsible for the
14 monitoring of the offender's progress while on the furlough. Monitoring shall include any
15 changes in the offender's medical condition or any violations of the rules concerning the
16 furlough. Any changes or violations detected shall be reported immediately to the sheriff
17 or jailer of the jail placing the inmate on furlough.

18 4. The sheriff or jailer of the jail is authorized to terminate a pregnancy furlough
19 at any time during the furlough period for noncompliance with the conditions of the
20 furlough. The pregnancy furlough shall be terminated within one week after a satisfactory
21 six-week postpartum examination for a vaginal birth or eight-week postpartum
22 examination for a cesarean birth.