

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3393

By: Goodwin, Loring, Dunnington
and Kannady of the House

and

Griffin of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories;
directing penal institutions, detention centers and
jails to use least restrictive restraints on pregnant
inmates; prohibiting use of restraints on inmates
during labor and delivery; providing an exception;
providing for publication of certain notice;
directing penal institutions, detention centers and
jails to allow access to family member, friend or
doula services for pregnant inmates; making certain
acts unlawful; providing penalties; defining terms;
providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 4.2 of Title 57, unless there is
created a duplication in numbering, reads as follows:

A. All penal institutions, detention centers and county jails
shall use the least restrictive restraints necessary when the

1 facility has actual or constructive knowledge that an inmate is
2 pregnant. The presumption is that no restraints of any kind shall
3 be used, unless otherwise directed by the physician in charge:

- 4 1. When transporting an inmate who is in labor;
- 5 2. During any phase of labor;
- 6 3. While the inmate is delivering her baby; or
- 7 4. While the inmate is recuperating from the delivery of her
8 baby, unless there are compelling grounds to believe that the inmate
9 presents an immediate and serious threat of harm to herself, staff
10 or others or is a substantial flight risk and cannot be reasonably
11 contained by other means.

12 B. Prior to labor, if it is necessary to ensure the safety of
13 the inmate, staff or others, only the least restrictive restraints
14 necessary shall be used and in a way that mitigates adverse clinical
15 consequences. Consultation with medical staff is required prior to
16 application of restraints. Written approval from the warden of a
17 penal institution, director of a detention center or sheriff of a
18 county jail is required, unless there are compelling grounds to
19 believe that the inmate presents an immediate and serious threat of
20 harm to herself, staff or others or is a substantial flight risk and
21 cannot be reasonably contained by other means. Correctional
22 officers shall be available and shall be required to remove
23 restraints upon request from medical personnel. The following
24 restraints and control techniques are prohibited:

1 1. Abdominal restraints;

2 2. Four-point restraints or placing the pregnant inmate in a
3 facedown position;

4 3. Leg and ankle restraints that may increase the risk of
5 forward falls; and

6 4. Any kind of chain restraints where the inmate is linked to
7 any other inmate.

8 In general, the least restrictive restraints necessary shall be
9 a frontal wrist restraint which, if used, must be applied in such a
10 way that the pregnant inmate is able to protect herself and the
11 fetus in the event of a forward fall.

12 C. To maintain privacy, when appropriate, correctional officers
13 shall be positioned outside the room of the inmate, unless requested
14 by the physician in charge.

15 D. Any female inmate confined in a penal institution, detention
16 center or county jail shall receive notice in writing in a language
17 and manner understandable to the inmate about the requirements of
18 this section upon admission to the penal institution, detention
19 center or county jail and again, when the inmate is known to be
20 pregnant. The warden, director or sheriff shall publish notice of
21 the requirements of this section in prominent locations where
22 medical care is provided to female inmates.

1 E. All penal institutions, detention centers and county jails
2 shall ensure that pregnant inmates have access to one of the
3 following during delivery:

4 1. A family member or a friend who has previously been approved
5 on the visitors list of the penal institution, detention center or
6 county jail;

7 2. A member of the clergy; or

8 3. A doula; provided, during delivery the doula services are
9 furnished by a certified doula without charge to the penal
10 institution, detention center or county jail. In such a case, the
11 inmate must make arrangements for the doula services and shall
12 notify the penal institution, detention center or county jail of
13 such request in advance.

14 F. It shall be unlawful for any correctional officer or county
15 detention officer to use restraints on a pregnant inmate as
16 prohibited by the provisions of subsection A or B of this section
17 and upon conviction such correctional officer or county detention
18 officer shall be guilty of a misdemeanor punishable by imprisonment
19 in the county jail for not more than one (1) year, or by a fine of
20 One Thousand Dollars (\$1,000.00), or by both such fine and
21 imprisonment.

22 G. As used in this section:
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1. "Certified doula" means an individual who has received a certification to perform doula services from a nationally recognized childbirth education association; and

2. "Doula services" means continuous emotional and physical support throughout labor and birth and intermittently during the prenatal and postpartum periods.

SECTION 2. This act shall become effective November 1, 2018.

56-2-10492 GRS 04/26/18