

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3393

By: Loring, Goodwin and
Dunnington of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

24 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:

1 A. All penal institutions, detention centers and county jails
2 shall use the least restrictive restraints necessary when the
3 facility has actual or constructive knowledge that an inmate is
4 pregnant. No restraints of any kind shall be used:

5 1. When transporting an inmate who is in labor;

6 2. During any phase of labor;

7 3. While the inmate is delivering her baby; or

8 4. While the inmate is recuperating from the delivery of her
9 baby, unless there are compelling grounds to believe that the inmate
10 presents an immediate and serious threat of harm to herself, staff
11 or others or is a substantial flight risk and cannot be reasonably
12 contained by other means.

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

- 3 1. Abdominal restraints;
- 4 2. Four-point restraints or placing the pregnant inmate in a
5 facedown position;
- 6 3. Leg and ankle restraints that may increase the risk of
7 forward falls; and
- 8 4. Any kind of chain restraints where the inmate is linked to
9 any other inmate.

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

14 C. To maintain privacy, correctional officers shall be
15 positioned outside the room of the inmate, unless requested by the
16 inmate.

17 D. Any female inmate confined in a penal institution, detention
18 center or county jail shall receive notice in writing in a language
19 and manner understandable to the inmate about the requirements of
20 this section upon admission to the penal institution, detention
21 center or county jail and again, when the inmate is known to be
22 pregnant. The warden, director or sheriff shall publish notice of
23 the requirements of this section in prominent locations where
24 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 a family member,
3 friend or doula services; provided, during delivery the doula
4 services are furnished by a certified doula without charge to the
5 penal institution, detention center or county jail. In such a case,
6 the inmate must make arrangements for the doula services in advance.

7 F. It shall be unlawful for any correctional officer to use
8 restraints on a pregnant inmate as prohibited by the provisions of
9 subsection A or B of this section and upon conviction shall be
10 guilty of a misdemeanor punishable by imprisonment in the county
11 jail for not more than one (1) year, or by a fine of One Thousand
12 Dollars (\$1,000.00), or by both such fine and imprisonment.

13 G. As used in this section:

14 1. "Certified doula" means an individual who has received a
15 certification to perform doula services from a nationally recognized
16 childbirth education association; and

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/01/2018 - DO
23 PASS, As Amended and Coauthored.
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