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AS AMENDED

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

and

Griffin of the Senate

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[ prisons and reformatories - restrictive restraints
on pregnant inmates - codification - effective date ]
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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 facility has actual or constructive knowledge that an inmate is pregnant. The presumption is that no restraints of any kind shall be used, unless otherwise directed by the physician in charge:

1. When transporting an inmate who is in labor;
2. During any phase of labor;
3. While the inmate is delivering her baby; or

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

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

19 1. Abdominal restraints;

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

22 3. Leg and ankle restraints that may increase the risk of
23 forward falls; and
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1 4. Any kind of chain restraints where the inmate is linked to
2 any other inmate.

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

7 C. To maintain privacy, **when appropriate** correctional officers
8 shall be positioned outside the room of the inmate, unless requested
9 by the inmate or the physician in charge.

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

18 E. All penal institutions, detention centers and county jails
19 shall ensure that pregnant inmates have access to a family member,
20 friend or doula services; provided, during delivery the doula
21 services are furnished by a certified doula without charge to the
22 penal institution, detention center or county jail. In such a case,
23 the inmate must make arrangements for the doula services in advance.

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

8 G. As used in this section:

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 April 11, 2018 - DO PASS AS AMENDED
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