

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3393

By: Goodwin

AS INTRODUCED

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 county 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 facility has actual or constructive knowledge that an inmate is pregnant. No restraints of any kind shall be used:

1. When transporting an inmate who is in labor;
2. While the inmate is delivering her baby; or

1 3. 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 or staff, only the least restrictive restraints necessary
8 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. Approval from the warden of a penal
11 institution, director of a detention center or sheriff of a county
12 jail is required. Correctional officers shall be available and
13 shall be required to remove restraints upon request from medical
14 personnel. The following restraints and control techniques are
15 prohibited:

16 1. Abdominal restraints that directly constrict the area of
17 pregnancy;

18 2. Wrist restraints. If wrist restrains must be used, the
19 restraints shall be applied in such a way that the pregnant inmate
20 is able to protect herself and the fetus in the event of a forward
21 fall;

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

1 4. Leg and ankle restraints that may increase the risk of
2 forward falls; and

3 5. Chain restraints. If chain restrains must be used, the
4 chain restraint shall not be linked to any other inmate.

5 C. To maintain privacy, correctional officers shall be
6 positioned outside the room of the inmate, unless requested by the
7 inmate.

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

16 E. All penal institutions, detention centers and county jails
17 shall ensure that pregnant inmates have access to a family member,
18 friend or doula services; provided, during delivery the doula
19 services are furnished by a certified doula without charge to the
20 penal institution, detention center or county jail or paid for by
21 the pregnant inmate.

22 F. It shall be unlawful for any correctional officer to use
23 restraints on a pregnant inmate while the inmate is delivering her
24 baby. Any person who violates the provisions of subsection B of

1 this section shall, upon conviction, be guilty of a misdemeanor
2 punishable by imprisonment in the county jail for not more than one
3 (1) year, or by a fine of One Thousand Dollars (\$1,000.00), or by
4 both such fine and imprisonment.

5 G. As used in this section:

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

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

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

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