

BILL SUMMARY
2nd Session of the 56th Legislature

Bill No.:	HB 3393
Version:	CS
Request Number:	10038
Author:	Rep. Loring
Date:	3/12/2018
Impact:	Creates misdemeanor and associated fine, minimal costs for DOC

Research Analysis

The committee substitute to HB 3393 directs all penal institutions, detention centers and county jails to use the least restrictive restraints necessary when the facility has actual or constructive knowledge that an inmate is pregnant. The measure prohibits the use of any kind of restraint when transporting an inmate who is in labor, while the inmate is delivering the baby, or while the inmate is recuperating from the delivery. The measure creates a misdemeanor punishment for any correctional officer found guilty of using restraints on a pregnant inmate, subject to imprisonment of up to one year in the county jail, a fine of up to \$1,000 or both fine and imprisonment.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB 3393 creates a misdemeanor and an associated fine. Actual impact is contingent upon how many individuals are convicted and the amount of the fine they are required to pay. The measure also provides some access to doulas and family members which could generate minimal costs for DOC. See below for agency information regarding current policies.

Prepared By: Kristina King

Other Considerations

According to the agency:

Our normal practice is to not restrain pregnant inmates. However, the policies are set up in such a way that if the inmate is a risk to herself or others (or the unborn child) permission can be sought to restrain the inmate. As you can see below, our policies match the language in the bill.

From OP-140145 "Female Inmate Health Services"
Pregnant inmates will be transported to the OU Medical Center for delivery. Use of restraints will be in accordance with OP-040114 entitled "Security of Offenders in Non-prison Hospitals." During active labor and delivery, restraint use is generally prohibited unless necessitated by serious security risks. Such exceptions will be approved by a DOC medical provider in advance. (4-4190-1)

OP-040114 "Security of Offenders in Non-Prison Hospitals"
Pregnant offenders will be transported without restraints. Exceptions will be made only with the "Authorization to Apply Restraints to a Pregnant Offender" (DOC 040111A).

DOC does have concerns about the part that says we have to give access to a doula or a family member during the birth. There are security risks and issues in doing this. It also says that the correctional officer would have to stand outside unless the inmate says it's okay. We do not agree with letting an inmate be in charge of dictating security protocols.

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