

SENATE, No. 1488

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Prohibits the restraint of prisoners during and immediately after childbirth.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the restraint of prisoners during childbirth and
2 supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. A staff member of, or medical service provider for, a
8 State correctional facility shall not apply restraints to an inmate or
9 detainee known to be pregnant during any stage of labor, any
10 pregnancy related medical distress, transport to a medical facility,
11 delivery, or postpartum.

12 b. A staff member of, or medical service provider for, a facility
13 may apply restraints to an inmate or detainee known to be pregnant
14 at a time otherwise prohibited by subsection a. of this section,
15 provided a supervising staff member of, or medical service provider
16 for, the facility makes an individualized determination that:

17 (1) the inmate or detainee presents a substantial flight risk; or

18 (2) some other extraordinary medical or security circumstance
19 dictates that the inmate or detainee must be restrained to ensure the
20 safety and security of the inmate or detainee, the employees of the
21 facility or medical facility, other inmates or detainees, or the public.

22 c. In cases when a restraint is applied pursuant to subsection b.
23 of this section, the least restrictive type and application of restraint
24 necessary to adequately provide for safety shall be used. Leg or
25 waist restraints shall not be used on any inmate or detainee who is
26 in labor.

27 d. In cases when a restraint is applied pursuant to subsection b.
28 of this section, the inmate or detainee shall be attended at all times
29 by a staff member of, or medical service provider for, the facility
30 who has the ability to release the restraints if release becomes
31 medically necessary. The staff member of, or medical service
32 provider for, the facility immediately shall remove all restraints
33 upon request of the doctor, nurse, or other health care professional
34 caring for the inmate or detainee.

35 e. As used in this section:

36 “Labor” means the period of time before a birth during which
37 contractions are of sufficient frequency, intensity, and duration to
38 bring about effacement and progressive dilatation of the cervix.
39 The determination of when labor has commenced shall rest solely
40 with the medical provider of the inmate or detainee.

41 “Postpartum” means the period following delivery, including the
42 entire period a woman is in the hospital after the birth of her child
43 or children.

44 “Restraints” means any physical restraint or mechanical device
45 used to control the movement of the body and limbs of an inmate or

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 detainee, including, but not limited to, shackles, flex cuffs, soft
2 restraints, hard metal handcuffs, a black box, Chubb cuffs, leg
3 irons, belly chains, a security or tether chain, or a convex shield.

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5 2. a. A staff member of, or medical service provider for, a
6 county correctional facility shall not apply restraints to an inmate or
7 detainee known to be pregnant during any stage of labor, any
8 pregnancy related medical distress, transport to a medical facility,
9 delivery, or postpartum.

10 b. A staff member of, or medical service provider for, a facility
11 may apply restraints to an inmate or detainee known to be pregnant
12 at a time otherwise prohibited by subsection a. of this section,
13 provided a supervising staff member of, or medical service provider
14 for, the facility makes an individualized determination that:

15 (1) the inmate or detainee presents a substantial flight risk; or

16 (2) some other extraordinary medical or security circumstance
17 dictates that the inmate or detainee must be restrained to ensure the
18 safety and security of the inmate or detainee, the employees of the
19 facility or medical facility, other inmates or detainees, or the public.

20 c. In cases when a restraint is applied pursuant to subsection b.
21 of this section, the least restrictive type and application of restraint
22 necessary to adequately provide for safety shall be used. Leg or
23 waist restraints shall not be used on any inmate or detainee who is
24 in labor.

25 d. In cases when a restraint is applied pursuant to subsection b.
26 of this section, the inmate or detainee shall be attended at all times
27 by a staff member of, or medical service provider for, the facility
28 who has the ability to release the restraints if release becomes
29 medically necessary. The staff member of, or medical service
30 provider for, the facility immediately shall remove all restraints
31 upon request of the doctor, nurse, or other health care professional
32 caring for the inmate or detainee.

33 e. As used in this section:

34 “Labor” means the period of time before a birth during which
35 contractions are of sufficient frequency, intensity, and duration to
36 bring about effacement and progressive dilatation of the cervix.
37 The determination of when labor has commenced shall rest solely
38 with the medical provider of the inmate or detainee.

39 “Postpartum” means the period following delivery, including the
40 entire period a woman is in the hospital after the birth of her child
41 or children.

42 “Restraints” means any physical restraint or mechanical device
43 used to control the movement of the body and limbs of an inmate or
44 detainee, including, but not limited to, shackles, flex cuffs, soft
45 restraints, hard metal handcuffs, a black box, Chubb cuffs, leg
46 irons, belly chains, a security or tether chain, or a convex shield.

1 3. This act shall take effect on the first day of the fourth month
2 following enactment.

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STATEMENT

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7 This bill would prohibit the restraint of women prisoners during
8 and immediately after childbirth. Under the bill, correctional facility
9 staff or medical providers would not be permitted to apply restraints to
10 a female inmate or detainee known to be pregnant during any stage of
11 labor, any pregnancy related medical distress, transport to a medical
12 facility, delivery, or postpartum.

13 Restraints would be allowed if a supervising employee or medical
14 provider makes an individualized determination that: the inmate or
15 detainee presents a substantial flight risk; or some other extraordinary
16 medical or security circumstance dictates that the inmate or detainee
17 must be restrained to ensure the safety and security of the inmate or
18 detainee, the employees of the facility or medical facility, other
19 inmates or detainees, or the public.

20 In cases when restraints are permitted, the bill would require that
21 the least restrictive type and application of restraint necessary would
22 be used. The bill would require that any inmate or detainee restrained
23 in this manner be attended at all times by an employee of the facility or
24 a medical provider with the ability to release the restraints if medically
25 necessary. The employee or medical provider would be required to
26 immediately remove all restraints upon request of the doctor, nurse, or
27 other health care professional caring for the inmate or detainee. The
28 bill also specifies that it would never be permissible to use leg and
29 waist restraints on an inmate or detainee who is in labor.