

19103986D

## SENATE BILL NO. 1772

Offered January 18, 2019

A BILL to amend the Code of Virginia by adding sections numbered 53.1-36.1 and 53.1-70.2, relating to restraint of pregnant offenders.

---

Patron—Saslaw

---

Referred to Committee on Rehabilitation and Social Services

**Be it enacted by the General Assembly of Virginia****1. That the Code of Virginia is amended by adding sections numbered 53.1-36.1 and 53.1-70.2 as follows:****§ 53.1-36.1. Restraint of pregnant offenders.**

A. Restraints shall not be used on any prisoner committed or transferred to the Department who is known to be pregnant, unless an individualized determination is made that the prisoner is a flight risk or danger to herself or others or the totality of the circumstances creates a serious security risk.

B. If an individualized determination has been made that an inmate known to be pregnant presents a risk as described in subsection A, then such prisoner shall be restrained in the least restrictive method necessary but in no instance shall waist chains or belts or leg or ankle restraints be used at any time.

C. If an individualized determination has been made that restraints are needed during labor and delivery or postpartum recovery, the Department shall consult with a medical professional regarding the use of such restraints and will utilize the least restrictive alternative recommended. Restraints shall be immediately removed upon the request of any doctor, nurse, or other health professional treating the prisoner if the restraints present a threat to the health or life of the prisoner or child or prevent the mother's safe handling of her infant and mother-infant bonding. In no instance shall waist chains or belts or leg or ankle restraints be used at any time.

D. Any time it is determined that restraints are needed, security staff shall notify a supervisor as soon as reasonably possible, and a use of force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

E. The Department shall annually review any policies related to restraining pregnant prisoners.

F. For the purposes of this section, the term "transferred to the Department" means (i) the actual physical receipt by the Department of a prisoner in a state correctional facility or (ii) the complete processing by the Department of a prisoner for the purposes of classifying the person as a state prisoner whether or not the person is physically received into a state correctional facility.

**§ 53.1-70.2. Restraint of pregnant offenders.**

A. Restraints shall not be used on any inmate incarcerated in a local correctional facility who is known to be pregnant, unless an individualized determination is made that the inmate is a flight risk or danger to herself or others or the totality of the circumstances creates a serious security risk.

B. If an individualized determination has been made that an inmate known to be pregnant presents a risk as described in subsection A, then such inmate shall be restrained in the least restrictive method necessary but in no instance shall waist chains or belts, or leg or ankle restraints, be used at any time.

C. If an individualized determination has been made that restraints are needed during labor and delivery or postpartum recovery, the local correctional facility shall consult with a medical professional regarding the use of such restraints and will utilize the least restrictive alternative recommended. Restraints shall be immediately removed upon the request of any doctor, nurse, or other health professional treating the inmate if the restraints present a threat to the health or life of the inmate or child or prevent the mother's safe handling of her infant and mother-infant bonding. In no instance shall waist chains or belts or leg or ankle restraints be used at any time.

D. Any time it is determined that restraints are needed, security staff shall notify a supervisor as soon as reasonably possible, and a use of force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

E. The Board shall annually review any policies related to restraining pregnant inmates.

INTRODUCED

SB1772