

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2833

03/06/2014 Authored by Laine, Slocum and Kahn

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

03/24/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time

1.1 A bill for an act  
1.2 relating to public safety; addressing the needs of incarcerated women related to  
1.3 pregnancy and childbirth; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 241.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[241.87] DEFINITIONS.**

1.7 As used in sections 241.88 and 241.89, the following terms have the meanings given:

1.8 (1) "certified doula" has the meaning given in section 148.995, subdivision 2;

1.9 (2) "correctional facility" has the meaning given in section 241.021, subdivision 1;

1.10 (3) "doula services" has the meaning given in section 148.995, subdivision 4;

1.11 (4) "postpartum" means the period of time following the birth of an infant to six

1.12 months after the birth; and

1.13 (5) "restrain" means the use of a mechanical or other device to constrain the

1.14 movement of a person's body or limbs.

1.15 Sec. 2. **[241.88] RESTRAINING AN INCARCERATED PREGNANT WOMAN.**

1.16 Subdivision 1. **Restraint.** (a) A representative of a correctional facility may not

1.17 restrain a pregnant woman who is in labor.

1.18 (b) A representative of a correctional facility may not restrain a pregnant woman or

1.19 a woman who has given birth within the preceding three days through the use of waist

1.20 chains or other devices that cross or otherwise touch the woman's abdomen or handcuffs

1.21 or other devices that cross or otherwise touch the woman's wrists when affixed behind

1.22 the woman's back.

2.1 (c) A representative of a correctional facility may restrain a woman who has given  
2.2 birth within the preceding three days only if the representative makes an individualized  
2.3 determination that the restraint is necessary to protect the safety of the woman or another,  
2.4 prevent damage to property, or prevent flight.

2.5 (d) Notwithstanding paragraph (c), a representative of a correctional facility shall  
2.6 remove any restraints placed upon a pregnant woman during a medical emergency or  
2.7 upon a woman who has given birth within the preceding three days when directed to  
2.8 do so by the medical professional responsible for the woman's medical care based on a  
2.9 determination by the professional that the removal is medically necessary.

2.10 (e) Section 645.241 does not apply to this section.

2.11 Subd. 2. **Required training.** The head of each correctional facility shall ensure that  
2.12 staff members of the facility who come in contact with pregnant women incarcerated in  
2.13 the facility are provided training on the provisions of this section.

2.14 Sec. 3. **[241.89] REQUIREMENTS FOR AN INCARCERATED WOMAN.**

2.15 Subdivision 1. **Applicability.** This section applies only to a woman:

2.16 (1) incarcerated following conviction; and

2.17 (2) incarcerated before conviction beyond the period specified for the woman's initial  
2.18 appearance before the court in Rules of Criminal Procedure, rules 3.02, 4.01, and 4.02.

2.19 Subd. 2. **Requirements.** The head of each correctional facility shall ensure that  
2.20 every woman incarcerated at the facility:

2.21 (1) is tested for pregnancy unless she is over age 50;

2.22 (2) if pregnant, is tested for sexually transmitted diseases, including HIV;

2.23 (3) if pregnant or recently given birth, is provided appropriate educational materials  
2.24 and resources related to pregnancy, child birth, breast feeding, and parenting;

2.25 (4) if pregnant or recently given birth, has access to doula services if these services  
2.26 are provided by a certified doula without charge or the incarcerated woman pays for the  
2.27 services;

2.28 (5) if pregnant or recently given birth, has access to a mental health assessment and,  
2.29 if necessary, treatment while the incarcerated woman is pregnant and postpartum;

2.30 (6) if pregnant or recently given birth and determined to be suffering from a mental  
2.31 illness, has access to evidence-based mental health treatment including psychotropic  
2.32 medication;

2.33 (7) if pregnant or recently given birth and determined to be suffering from postpartum  
2.34 depression, has access to evidence-based therapeutic care for the depression; and

- 3.1 (8) if pregnant, is advised, orally or in writing, of applicable laws and policies
- 3.2 governing incarcerated pregnant women.