
Human Services Committee

HB 2747

Brief Description: Limiting the use of restraints on pregnant women or youth.

Sponsors: Representatives Darneille, Cody, Williams, Kagi, Pedersen, Nelson, Dickerson, Hasegawa and Chase.

Brief Summary of Bill

- Prohibits restraints of any kind on an incarcerated woman or youth who is in labor, in the process of delivering her baby, or who is in postpartum recovery.
- Requires that restraints on an incarcerated pregnant woman or youth be used only in extraordinary circumstances to prevent escape or injury to herself, personnel, or others and requires the least restrictive restraints in such circumstances.
- Requires a corrections officer accompanying a pregnant incarcerated woman or youth to immediately remove restraints at the request of a treating doctor, nurse, or other health professional.
- Requires written findings within 10 days of when restraints have been used and the reasons for their use.
- Requires training of staff responsible for carrying out the requirements of this act, initial training to be completed within six months after the act takes effect, and training of all new staff who will participate in the transportation of incarcerated females who are or may become pregnant.
- Requires notice of the requirements of this act to staff and to females in custody who are or may become pregnant; such notice must also be posted in conspicuous locations in correctional and detention facilities.

Hearing Date: 1/18/10

Staff: Linda Merelle (786-7092).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There are approximately 1,500 women in the custody of the Department of Corrections (DOC) and many women who are held in custody in city and county corrections facilities, and juvenile detention facilities. From November 2008 through October 2009, there were 35 births within the DOC. There are approximately 59 female juveniles in the custody of the Juvenile Rehabilitation Administration (JRA). On average, one youth in JRA's custody gives birth in a year.

Summary of Bill:

Use of Restraints.

An incarcerated pregnant woman or youth may be restrained only in extraordinary circumstances and after an individual determination has been made by a corrections officer that restraints are necessary to prevent an incarcerated pregnant woman or youth: (1) from escaping or (2) from injuring herself, medical or correctional personnel, or others.

Any restraints used must be the least restrictive available under the circumstances. In no event will leg irons or waist chains be allowed to be used on a pregnant offender.

At the request of a doctor, nurse, or other treating health professional that restraints not be used, the corrections officer accompanying the pregnant offender must immediately remove all restraints.

Documentation of Use.

When restraints are used on a pregnant woman or youth in custody, the superintendent, sheriff, or police chief must make and maintain written findings within 10 days of the use of restraints and state the reasons for their use. The written findings must be kept for five years and made available for public disclosure with the exclusion of individually identifying information of the pregnant individual, except where the individual has authorized disclosure.

Labor.

No restraints may be used on an incarcerated pregnant female who is in labor or in the process of delivering her baby or who is in postpartum recovery.

Training and Notice.

Staff responsible for carrying out the requirements specified in the act must be trained. Initial training must be completed within six months of the effective date of the bill. All staff hired at a facility where women or youth are or may become pregnant must be trained before being allowed to participate in the transportation of females in custody who are or may become pregnant.

Notice of the requirements of this act must be provided to appropriate staff, including medical staff. Notice must be provided to all females who are in custody and who are or may become pregnant. Notice of this act containing its requirements must be posted in conspicuous locations in correctional and detention facilities including locations where medical care is provided.

Appropriation: None.

Fiscal Note: Requested on January 12, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.