

1 HB230
2 218398-5
3 By Representatives Hollis and Hall
4 RFD: Public Safety and Homeland Security
5 First Read: 02-FEB-22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Relating to female inmates; to prohibit certain practices relating to the treatment of a pregnant female inmate or a female inmate who is in the immediate postpartum period.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following terms shall have the following meanings:

(1) CUSTODIAN. A warden, sheriff, jailer, deputy sheriff, police officer, or any other law enforcement officer.

(2) HEALTH CARE PROFESSIONAL. A physician as defined in Section 34-24-50.1, Code of Alabama 1975, a licensed practical nurse or a licensed professional nurse as defined in Section 34-21-1, Code of Alabama 1975, an advanced practice nurse as defined in Section 34-21-81, Code of Alabama 1975, or an assistant to physicians as defined in Section 34-24-290, Code of Alabama 1975.

(3) IMMEDIATE POSTPARTUM PERIOD. The six-week period following childbirth unless extended by a health care professional due to complications.

(4) OFFICER IN CHARGE. The individual who is responsible for the supervision of a penal institution.

(5) PENAL INSTITUTION. Any place of confinement for juvenile or adult individuals accused of, convicted of, or

1 adjudicated for violating a law of this state or an ordinance
2 of a political subdivision of this state.

3 (6) PREGNANT WOMAN. A juvenile or adult female who
4 is in the ~~second or third~~ first, second, or third second or
5 third trimester of pregnancy whose pregnancy has been verified
6 by a pregnancy test as required by this act.

7 Section 2. (a) During the initial intake medical
8 screening, a female inmate shall inform the person conducting
9 the screening if she is pregnant or suspects that she may be
10 pregnant.

11 (b) If the female inmate informs the person
12 conducting the screening that she suspects she may be
13 pregnant, the female inmate shall be assessed for pregnancy by
14 a urine pregnancy test within 72 hours of the initial medical
15 intake screening, unless the female inmate refuses testing.

16 (c) A pregnant woman shall not be required to squat
17 ~~or~~ and cough during a strip search performed by a custodian,
18 unless the custodian has reason to suspect that the pregnant
19 woman is hiding contraband. ~~A~~ In the alternative, a pregnant
20 woman ~~who is suspected of hiding contraband~~ may be required to
21 squat ~~or~~ and cough during a strip search if the strip search
22 is performed by a health care professional.

23 (d) A pregnant woman shall not be required to
24 undergo any vaginal examination unless performed by a health
25 care professional.

1 (e) Except as otherwise provided in this section, a
2 custodian shall not use any leg or waist restraint in any of
3 the following situations:

4 (1) On any pregnant woman.

5 (2) During labor or delivery.

6 (3) During the immediate postpartum period.

7 (f) A woman who is pregnant or in the immediate
8 postpartum period may only be restrained using leg or wrist
9 handcuffs with her wrists held in front of her body, and only
10 if the custodian makes a determination that one of the
11 following is true:

12 (1) The woman poses an immediate flight risk and
13 cannot be reasonably contained by other means.

14 (2) The woman poses an immediate risk of harm to the
15 unborn child, herself, staff, or others and cannot be
16 reasonably contained by other means.

17 (g) If a custodian uses leg or wrist handcuffs on a
18 woman who is in the immediate postpartum period under an
19 exception provided in subsection (f), the circumstances for
20 and details of the exception shall be documented within two
21 days of the incident. The information shall include the nature
22 of the circumstances and the length of time of the use of
23 restraints. The documentation shall be reviewed by the officer
24 in charge and retained by the penal institution for reporting
25 purposes.

1 (h) Nothing in this section shall prohibit the use
2 of medical restraints by a licensed health care professional
3 to ensure the medical safety of a pregnant woman.

4 (i) Nothing in this section shall prohibit the
5 placement of a woman in a cell or hospital room by herself to
6 ensure the medical safety of the unborn child, a pregnant
7 woman, or a woman in the immediate postpartum period.

8 (j) If a custodian places a woman in a cell or
9 hospital room by herself under the exception provided in
10 subsection (i), the circumstances for and details of the
11 exception shall be documented within two days of the incident.
12 The information shall include the nature of the circumstances
13 and the length of time of the solitary confinement. The
14 documentation shall be reviewed by the officer in charge and
15 retained by the penal system for reporting purposes.

16 (k) A pregnant woman who is temporarily held in a
17 county jail pending transfer to a state penal institution
18 shall be transferred as expeditiously as possible.

19 (l) The Department of Corrections and a sheriff
20 overseeing a county jail in which a pregnant woman is
21 incarcerated shall make all reasonable efforts to facilitate
22 her transfer. This subsection does not apply to a pregnant
23 woman who has been sentenced to a county jail.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-MAR-22, as amended.

Jeff Woodard
Clerk

Senate	<hr/> 07-APR-22 <hr/>	Amended and Passed
House	<hr/> 07-APR-22 <hr/>	Concurred in Senate Amendment