

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-1012.01 Brita Darling

SENATE BILL 10-193

SENATE SPONSORSHIP

Hudak,

HOUSE SPONSORSHIP

Levy,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE SAFE TREATMENT OF PREGNANT PERSONS IN**
102 **CUSTODY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill addresses the use of restraints on pregnant women in custody or confined in prisons, city and county jails, juvenile detention facilities, or department of human services facilities.

The bill requires that the least restrictive restraint necessary to ensure safety be used on a woman in her second or third trimester of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Am ended 3rd Reading
May 11, 2010

HOUSE
Am ended 2nd Reading
May 10, 2010

SENATE
3rd Reading Unamended
May 5, 2010

SENATE
Am ended 2nd Reading
May 4, 2010

pregnancy.

Staff shall not use restraints of any kind on a pregnant woman during labor and delivery of the child, postpartum recovery, or transport to or from a medical facility for childbirth unless medical staff determines that restraints are necessary for safe childbirth, the woman poses an immediate and serious risk of harm to herself or medical staff, or the woman poses a substantial risk of escape that cannot be reasonably reduced by another method. In any event, however, the staff will not use leg shackles or waist restraints. Staff shall make a record of any restraint used on a woman during labor or delivery, postpartum recovery, or transport to or from a medical facility for childbirth. Staff shall maintain the record for a minimum of 5 years and make it available to the public with personally identifying information removed.

The bill entitles a woman to have a member of the medical staff present at any strip search conducted upon the woman's return to confinement after childbirth.

Staff shall inform a pregnant woman of the provisions of the statute relating to the use of restraints and any post-childbirth strip search at the time of the initial intake or determination of the pregnancy, at the onset of labor, and upon return to confinement after childbirth.

The bill requires that staff receive adequate training concerning the provisions of the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of article 1 of title 17, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **17-1-113.7. Prohibition against the use of restraints on**
6 **pregnant inmates in the custody of correctional facilities and private**
7 **contract prisons.** (1) THE STAFF OF A CORRECTIONAL FACILITY OR
8 PRIVATE CONTRACT PRISON, WHEN RESTRAINING A FEMALE INMATE, SHALL
9 USE THE LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY
10 IF THE STAFF OF THE CORRECTIONAL FACILITY OR PRIVATE CONTRACT
11 PRISON HAVE ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE
12 INMATE IS PREGNANT. THE REQUIREMENT THAT STAFF USE THE LEAST
13 RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY SHALL

1 CONTINUE DURING POSTPARTUM RECOVERY AND TRANSPORT TO OR FROM
2 A CORRECTIONAL FACILITY AND PRIVATE CONTRACT PRISON.

3 (2) (a) (I) STAFF OF A CORRECTIONAL FACILITY, PRIVATE
4 CONTRACT PRISON, OR MEDICAL FACILITY SHALL NOT USE RESTRAINTS OF
5 ANY KIND ON A PREGNANT INMATE DURING LABOR AND DELIVERY OF THE
6 CHILD; EXCEPT THAT STAFF MAY USE RESTRAINTS IF:

7 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
8 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

9 (B) THE PRISON STAFF OR MEDICAL STAFF DETERMINE THAT THE
10 INMATE PRESENTS AN IMMEDIATE AND SERIOUS RISK OF HARM TO HERSELF,
11 TO OTHER PATIENTS, OR TO MEDICAL STAFF; OR

12 (C) THE WARDEN OR HIS OR HER DESIGNEE DETERMINES THAT THE
13 INMATE POSES A SUBSTANTIAL RISK OF ESCAPE THAT CANNOT
14 REASONABLY BE REDUCED BY THE USE OF OTHER EXISTING MEANS.

15 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
16 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
17 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON AN INMATE
18 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY
19 WHILE IN A MEDICAL FACILITY, OR TRANSPORT TO OR FROM A MEDICAL
20 FACILITY FOR CHILDBIRTH.

21 (b) THE CORRECTIONAL FACILITY, PRIVATE CONTRACT PRISON, OR
22 MEDICAL FACILITY STAFF AUTHORIZING THE USE OF RESTRAINTS ON A
23 PREGNANT INMATE DURING LABOR OR DELIVERY OF THE CHILD SHALL
24 MAKE A WRITTEN RECORD OF THE USE OF THE RESTRAINTS, WHICH RECORD
25 SHALL INCLUDE, AT A MINIMUM, THE TYPE OF RESTRAINT USED, THE
26 CIRCUMSTANCES THAT NECESSITATED THE USE OF THE RESTRAINT, AND
27 THE LENGTH OF TIME THE RESTRAINT WAS USED. THE STAFF OF THE

1 CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON SHALL RETAIN
2 THE RECORD FOR A MINIMUM OF FIVE YEARS AND SHALL MAKE THE
3 RECORD AVAILABLE FOR PUBLIC INSPECTION WITH INDIVIDUALLY
4 IDENTIFYING INFORMATION REDACTED FROM THE RECORD UNLESS THE
5 INMATE WHO IS THE SUBJECT OF THE RECORD GIVES PRIOR WRITTEN
6 CONSENT FOR THE PUBLIC RELEASE OF THE RECORD. THE WRITTEN
7 RECORD OF THE USE OF RESTRAINT SHALL NOT CONSTITUTE A MEDICAL
8 RECORD UNDER STATE OR FEDERAL LAW.

9 (3) UPON RETURN TO A CORRECTIONAL FACILITY OR PRIVATE
10 CONTRACT PRISON AFTER CHILDBIRTH, THE INMATE SHALL BE ENTITLED TO
11 HAVE A MEMBER OF THE CORRECTIONAL FACILITY'S OR PRIVATE CONTRACT
12 PRISON'S MEDICAL STAFF PRESENT DURING ANY STRIP SEARCH. [REDACTED]

13 (4) WHEN AN INMATE'S PREGNANCY IS DETERMINED, THE STAFF
14 OF A CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON SHALL
15 INFORM A PREGNANT INMATE IN WRITING IN A LANGUAGE AND IN A
16 MANNER UNDERSTANDABLE TO THE INMATE OF THE PROVISIONS OF THIS
17 SECTION CONCERNING THE USE OF RESTRAINTS AND THE PRESENCE OF
18 MEDICAL STAFF DURING A STRIP SEARCH.

19 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
20 CORRECTIONS SHALL ENSURE THAT THE STAFF OF THE DEPARTMENT OF
21 CORRECTIONS AND OF PRIVATE CONTRACT PRISONS RECEIVE ADEQUATE
22 TRAINING CONCERNING THE PROVISIONS OF THIS SECTION.

23 **SECTION 2.** Part 1 of article 26 of title 17, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
25 read:

26 **17-26-104.7. Prohibition against the use of restraints on**
27 **pregnant women in custody.** (1) THE STAFF OF A COUNTY JAIL, IN

1 RESTRAINING A WOMAN WHO IS COMMITTED, DETAINED, OR CONFINED TO
2 THE COUNTY JAIL, SHALL USE THE LEAST RESTRICTIVE RESTRAINTS
3 NECESSARY TO ENSURE SAFETY IF THE STAFF OF THE COUNTY JAIL HAVE
4 ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE WOMAN IS
5 PREGNANT. THE REQUIREMENT THAT STAFF USE THE LEAST RESTRICTIVE
6 RESTRAINTS NECESSARY TO ENSURE SAFETY SHALL CONTINUE DURING
7 POSTPARTUM RECOVERY AND TRANSPORT TO OR FROM THE COUNTY JAIL.

8 (2) (a) (I) THE COUNTY JAIL STAFF OR MEDICAL FACILITY STAFF
9 SHALL NOT USE RESTRAINTS OF ANY KIND ON THE WOMAN DURING LABOR
10 AND DELIVERY OF THE CHILD; EXCEPT THAT STAFF MAY USE RESTRAINTS
11 IF:

12 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
13 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

14 (B) THE COUNTY JAIL STAFF OR MEDICAL STAFF DETERMINE THAT
15 THE WOMAN PRESENTS AN IMMEDIATE AND SERIOUS RISK OF HARM TO
16 HERSELF, TO OTHER PATIENTS, OR TO MEDICAL STAFF; OR

17 (C) THE SHERIFF OR HIS OR HER DESIGNEE DETERMINES THAT THE
18 WOMAN POSES A SUBSTANTIAL RISK OF ESCAPE THAT CANNOT
19 REASONABLY BE REDUCED BY THE USE OF OTHER EXISTING MEANS.

20 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
22 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON A WOMAN
23 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY
24 WHILE IN A MEDICAL FACILITY, OR TRANSPORT TO OR FROM A MEDICAL
25 FACILITY FOR CHILDBIRTH.

26 (b) THE COUNTY JAIL OR MEDICAL FACILITY STAFF AUTHORIZING
27 THE USE OF RESTRAINTS ON A PREGNANT WOMAN DURING LABOR OR

1 DELIVERY OF THE CHILD SHALL MAKE A WRITTEN RECORD OF THE USE
2 OF THE RESTRAINTS, WHICH RECORD SHALL INCLUDE, AT A MINIMUM, THE
3 TYPE OF RESTRAINT USED, THE CIRCUMSTANCES THAT NECESSITATED THE
4 USE OF THE RESTRAINT, AND THE LENGTH OF TIME THE RESTRAINT WAS
5 USED. THE SHERIFF SHALL RETAIN THE RECORD FOR A MINIMUM OF FIVE
6 YEARS AND SHALL MAKE THE RECORD AVAILABLE FOR PUBLIC INSPECTION
7 WITH INDIVIDUALLY IDENTIFYING INFORMATION REDACTED FROM THE
8 RECORD UNLESS THE WOMAN WHO IS THE SUBJECT OF THE RECORD GIVES
9 PRIOR WRITTEN CONSENT FOR THE PUBLIC RELEASE OF THE RECORD. THE
10 WRITTEN RECORD OF THE USE OF RESTRAINT SHALL NOT CONSTITUTE A
11 MEDICAL RECORD UNDER STATE OR FEDERAL LAW.

12 (3) UPON RETURN TO A COUNTY JAIL AFTER CHILDBIRTH, THE
13 WOMAN SHALL BE ENTITLED TO HAVE A MEMBER OF THE COUNTY JAIL'S OR
14 COUNTY'S MEDICAL STAFF PRESENT DURING ANY STRIP SEARCH.

15 (4) WHEN A WOMAN'S PREGNANCY IS DETERMINED, THE STAFF OF
16 A COUNTY JAIL SHALL INFORM A PREGNANT WOMAN COMMITTED,
17 DETAINED, OR CONFINED IN A COUNTY JAIL IN WRITING IN A LANGUAGE
18 AND IN A MANNER UNDERSTANDABLE TO THE WOMAN OF THE PROVISIONS
19 OF THIS SECTION CONCERNING THE USE OF RESTRAINTS AND THE PRESENCE
20 OF MEDICAL STAFF DURING A STRIP SEARCH.

21 (5) EACH SHERIFF SHALL ENSURE THAT STAFF OF THE COUNTY JAIL
22 RECEIVE ADEQUATE TRAINING CONCERNING THE PROVISIONS OF THIS
23 SECTION.

24 **SECTION 3.** Part 9 of article 2 of title 19, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **19-2-924.7. Juveniles committed to the department of human**

1 **services - prohibition against the use of restraints on pregnant**
2 **juveniles.** (1) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES, IN
3 RESTRAINING A FEMALE JUVENILE COMMITTED TO THE DEPARTMENT OF
4 HUMAN SERVICES OR DETAINED IN A JUVENILE FACILITY, SHALL USE THE
5 LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY IF THE
6 STAFF HAVE ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE
7 JUVENILE IS PREGNANT. THE REQUIREMENT THAT STAFF USE THE LEAST
8 RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY SHALL
9 CONTINUE DURING POSTPARTUM RECOVERY AND TRANSPORT TO OR FROM
10 A JUVENILE FACILITY.

11 (2) (a) (I) STAFF OF THE DEPARTMENT OF HUMAN SERVICES OR
12 MEDICAL FACILITY STAFF SHALL NOT USE RESTRAINTS OF ANY KIND ON A
13 PREGNANT JUVENILE DURING LABOR AND DELIVERY OF THE CHILD; EXCEPT
14 THAT STAFF MAY USE RESTRAINTS IF:

15 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
16 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

17 (B) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES OR
18 MEDICAL STAFF DETERMINE THAT THE JUVENILE PRESENTS AN IMMEDIATE
19 AND SERIOUS RISK OF HARM TO HERSELF, TO OTHER PATIENTS, OR TO
20 MEDICAL STAFF; OR

21 (C) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES
22 DETERMINE THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF ESCAPE
23 THAT CANNOT REASONABLY BE REDUCED BY THE USE OF OTHER EXISTING
24 MEANS.

25 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
26 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
27 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON A JUVENILE

1 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY
2 WHILE IN A MEDICAL FACILITY, OR TRANSPORT TO OR FROM A MEDICAL
3 FACILITY FOR CHILDBIRTH.

4 (b) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES OR
5 MEDICAL FACILITY AUTHORIZING THE USE OF RESTRAINTS ON A PREGNANT
6 JUVENILE DURING LABOR OR DELIVERY OF THE CHILD SHALL MAKE A
7 WRITTEN RECORD OF THE USE OF RESTRAINTS, WHICH RECORD SHALL
8 INCLUDE, AT A MINIMUM, THE TYPE OF RESTRAINT USED, THE
9 CIRCUMSTANCES THAT NECESSITATED THE USE OF THE RESTRAINT, AND
10 THE LENGTH OF TIME THE RESTRAINT WAS USED. THE DEPARTMENT OF
11 HUMAN SERVICES STAFF SHALL RETAIN THE RECORD FOR A MINIMUM OF
12 FIVE YEARS AND SHALL MAKE THE RECORD AVAILABLE FOR PUBLIC
13 INSPECTION WITH INDIVIDUALLY IDENTIFYING INFORMATION REDACTED
14 FROM THE RECORD UNLESS THE JUVENILE WHO IS THE SUBJECT OF THE
15 RECORD GIVES PRIOR WRITTEN CONSENT FOR THE PUBLIC RELEASE OF THE
16 RECORD. THE WRITTEN RECORD OF THE USE OF RESTRAINT SHALL NOT
17 CONSTITUTE A MEDICAL RECORD UNDER STATE OR FEDERAL LAW.

18 (3) UPON RETURN TO A DEPARTMENT OF HUMAN SERVICES
19 FACILITY AFTER CHILDBIRTH, THE JUVENILE SHALL BE ENTITLED TO HAVE
20 A MEMBER OF THE DEPARTMENT OF HUMAN SERVICES' MEDICAL STAFF
21 PRESENT DURING ANY STRIP SEARCH.

22 (4) WHEN A JUVENILE'S PREGNANCY IS DETERMINED, THE STAFF OF
23 THE DEPARTMENT OF HUMAN SERVICES SHALL INFORM A PREGNANT
24 JUVENILE COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES IN
25 WRITING IN A LANGUAGE AND IN A MANNER UNDERSTANDABLE TO THE
26 JUVENILE OF THE PROVISIONS OF THIS SECTION CONCERNING THE USE OF
27 RESTRAINTS AND THE PRESENCE OF MEDICAL STAFF DURING A STRIP

1 SEARCH.

2 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
3 SERVICES SHALL ENSURE THAT THE STAFF OF THE DEPARTMENT OF HUMAN
4 SERVICES RECEIVE ADEQUATE TRAINING CONCERNING THE PROVISIONS OF
5 THIS SECTION.

6 SECTION 4. Part 1 of article 1 of title 26, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8 **26-1-137. Persons committed to or placed in a department of**
9 **human services facility - prohibition against the use of restraints on**
10 **pregnant women.** (1) AS USED IN THIS SECTION, "FACILITY STAFF" MEANS
11 THE STAFF OF A STATE DEPARTMENT FACILITY OR FACILITY SUPERVISED BY
12 THE EXECUTIVE DIRECTOR.

13 (2) FACILITY STAFF, IN RESTRAINING A WOMAN WHO IS COMMITTED
14 TO OR PLACED PURSUANT TO THIS TITLE OR TITLE 27, C.R.S., IN A STATE
15 DEPARTMENT FACILITY OR A FACILITY SUPERVISED BY THE EXECUTIVE
16 DIRECTOR, SHALL USE THE LEAST RESTRICTIVE RESTRAINT NECESSARY TO
17 ENSURE SAFETY IF THE FACILITY STAFF HAVE ACTUAL KNOWLEDGE OR A
18 REASONABLE BELIEF THAT THE WOMAN IS PREGNANT. THE REQUIREMENT
19 THAT STAFF USE THE LEAST RESTRICTIVE RESTRAINTS NECESSARY TO
20 ENSURE SAFETY SHALL CONTINUE DURING POSTPARTUM RECOVERY AND
21 TRANSPORT TO OR FROM A FACILITY.

22 (3) (a) (I) FACILITY STAFF OR MEDICAL STAFF SHALL NOT USE
23 RESTRAINTS OF ANY KIND ON A PREGNANT WOMAN DURING LABOR AND
24 DELIVERY OF THE CHILD; EXCEPT THAT STAFF MAY USE RESTRAINTS IF:

25 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
26 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

27 (B) THE FACILITY STAFF OR MEDICAL STAFF DETERMINE THAT THE

1 WOMAN PRESENTS AN IMMEDIATE AND SERIOUS RISK OF HARM TO HERSELF,
2 TO OTHER PATIENTS, OR TO MEDICAL STAFF; OR

3 (C) THE FACILITY STAFF DETERMINE THAT THE WOMAN POSES A
4 SUBSTANTIAL RISK OF ESCAPE THAT CANNOT REASONABLY BE REDUCED BY
5 THE USE OF OTHER EXISTING MEANS.

6 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
7 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES SHALL
8 STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON A PREGNANT WOMAN
9 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY
10 WHILE IN A MEDICAL FACILITY, OR TRANSPORT TO OR FROM A MEDICAL
11 FACILITY FOR CHILDBIRTH.

12 (b) THE FACILITY OR MEDICAL STAFF AUTHORIZING THE USE OF
13 RESTRAINTS ON A PREGNANT WOMAN DURING LABOR OR DELIVERY OF THE
14 CHILD SHALL MAKE A WRITTEN RECORD OF THE USE OF RESTRAINTS, WHICH
15 RECORD SHALL INCLUDE, AT A MINIMUM, THE TYPE OF RESTRAINT USED,
16 THE CIRCUMSTANCES THAT NECESSITATED THE USE OF THE RESTRAINT, AND
17 THE LENGTH OF TIME THE RESTRAINT WAS USED. THE STATE DEPARTMENT
18 SHALL RETAIN THE RECORD FOR A MINIMUM OF FIVE YEARS AND SHALL
19 MAKE THE RECORD AVAILABLE FOR PUBLIC INSPECTION WITH INDIVIDUALLY
20 IDENTIFYING INFORMATION REDACTED FROM THE RECORD UNLESS THE
21 WOMAN WHO IS THE SUBJECT OF THE RECORD GIVES PRIOR WRITTEN
22 CONSENT FOR THE PUBLIC RELEASE OF THE RECORD. THE WRITTEN RECORD
23 OF THE USE OF RESTRAINT SHALL NOT CONSTITUTE A MEDICAL RECORD
24 UNDER STATE OR FEDERAL LAW.

25 (4) AFTER CHILDBIRTH AND UPON RETURN TO A STATE
26 DEPARTMENT FACILITY OR A FACILITY SUPERVISED BY THE EXECUTIVE
27 DIRECTOR, THE WOMAN SHALL BE ENTITLED TO HAVE A MEMBER OF THE

1 STATE DEPARTMENT'S MEDICAL STAFF PRESENT DURING ANY STRIP SEARCH.

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3 (5) WHEN A WOMAN'S PREGNANCY IS DETERMINED, THE FACILITY
4 STAFF SHALL INFORM A PREGNANT WOMAN COMMITTED TO OR PLACED IN
5 A STATE DEPARTMENT FACILITY OR A FACILITY SUPERVISED BY THE
6 EXECUTIVE DIRECTOR IN WRITING IN A LANGUAGE AND IN A MANNER
7 UNDERSTANDABLE TO THE WOMAN OF THE PROVISIONS OF THIS SECTION
8 CONCERNING THE USE OF RESTRAINTS AND THE PRESENCE OF MEDICAL
9 STAFF DURING A STRIP SEARCH.

10 (6) THE EXECUTIVE DIRECTOR SHALL ENSURE THAT FACILITY STAFF
11 RECEIVE ADEQUATE TRAINING CONCERNING THE PROVISIONS OF THIS
12 SECTION.

13 **SECTION 5.** Part 4 of article 15 of title 31, Colorado Revised
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

15 **31-15-403. Prohibition against the use of restraints on pregnant**
16 **women in custody.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND
17 OPERATE A JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1) (j), SHALL
18 COMPLY WITH THE PROVISIONS OF SECTION 17-26-104.7, C.R.S.,
19 CONCERNING THE USE OF RESTRAINTS ON PREGNANT WOMEN IN CUSTODY.

20 **SECTION 6. No appropriation.** The general assembly has
21 determined that this act can be implemented within existing
22 appropriations, and therefore no separate appropriation of state moneys is
23 necessary to carry out the purposes of this act.

24 **SECTION 7. Act subject to petition - specified effective date.**
25 This act shall take effect January 1, 2011; except that, if a referendum
26 petition is filed pursuant to section 1 (3) of article V of the state
27 constitution against this act or an item, section, or part of this act within

1 the ninety-day period after final adjournment of the general assembly, then
2 the act, item, section, or part shall not take effect unless approved by the
3 people at the general election to be held in November 2010 and shall take
4 effect on January 1, 2011, or on the date of the official declaration of the
5 vote thereon by the governor, whichever is later.