

SENATE No. 1125

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to restraint of pregnant inmates.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Cynthia S. Creem

First Middlesex and Norfolk

William N. Brownsberger

Second Suffolk and Middlesex

SENATE No. 1125

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1125) of Cynthia S. Creem and William N. Brownsberger for legislation relative to restraint of pregnant inmates. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Thirteen
—————

An Act relative to restraint of pregnant inmates.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 118 of chapter 127 of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by inserting at the end thereof the following:—

3 Pregnant and postpartum inmates shall be transported to and from visits to medical
4 providers and court proceedings in a car with seatbelts. Except in extraordinary circumstances,
5 no restraints of any kind may be used on any pregnant inmates during transportation to and from
6 visits to medical providers and court proceedings beyond the first trimester of her pregnancy, or
7 during postpartum recovery. For purposes of this section, “extraordinary circumstances” exist
8 where a corrections officer makes an individualized determination that restraints are necessary to
9 prevent a pregnant inmate from escaping, or from injuring herself, medical or correctional
10 personnel, or others. In the event the corrections officer determines that extraordinary
11 circumstances exist and restraints are used, the corrections officer must fully document in writing
12 the reasons that he or she determined such extraordinary circumstances existed such that
13 restraints were used. As part of this documentation, the corrections officer must also include the
14 kind of restraints used and the reasons those restraints were considered the least restrictive
15 available and the most reasonable under the circumstances.

16 While the pregnant inmate is in labor or in childbirth, no restraints of any kind may be
17 used. Nothing in this section affects the use of hospital restraints requested for the medical
18 safety of a patient by treating physicians.

19 Any time restraints are permitted to be used on a pregnant inmate, the restraints must be
20 the least restrictive available and the most reasonable under the circumstances, but in no case
21 shall leg or waist restraints be used on any pregnant or postpartum inmate.

22 If the doctor, nurse, or other health professional treating the pregnant inmate requests that
23 restraints not be used, the corrections officer accompanying the pregnant inmate shall
24 immediately remove all restraints.