

SECOND REGULAR SESSION

SENATE BILL NO. 977

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time January 25, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4273S.03I

AN ACT

To amend chapters 211 and 217, RSMo, by adding thereto two new sections relating to the use of restraints on certain persons.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 211 and 217, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 211.435 and 217.151, to read as follows:

**211.435. 1. Instruments of restraint, including handcuffs, chains,
2 irons, or straitjackets, may not be used on a child during a proceeding
3 in a juvenile court or a court of general jurisdiction and shall be
4 removed prior to the child's appearance before the court unless the
5 court finds both that:**

6 **(1) The use of restraints is necessary due to one of the following
7 factors:**

8 **(a) Instruments of restraint are necessary to prevent physical
9 harm to the child or another person;**

10 **(b) The child has a history of disruptive courtroom behavior that
11 has placed others in potentially harmful situations or presents a
12 substantial risk of inflicting physical harm on himself or herself or
13 others as evidenced by recent behavior; or**

14 **(c) There is evidence that the child presents a substantial risk
15 of flight from the courtroom; and**

16 **(2) There are no less restrictive alternatives to restraints that
17 will prevent flight or physical harm to the child or another person,
18 including, the presence of court personnel, law enforcement officers, or
19 bailiffs.**

20 **2. The court shall provide the child's attorney an opportunity to
21 be heard before the court orders the use of restraints. If restraints are**

22 ordered, the court shall make findings of fact in support of the order.

217.151. 1. For purposes of this section, "extraordinary
2 circumstances" exist when a doctor treating the pregnant or
3 postpartum offender makes an individualized determination that
4 restraints are necessary to prevent a pregnant or postpartum offender
5 from escaping or seriously injuring herself, medical or correctional
6 personnel, or others.

7 2. The necessary health care standards for pregnant and
8 postpartum offenders shall include:

9 (1) Except in extraordinary circumstances, no restraints of any
10 kind may be used on offenders during the second and third trimesters
11 of pregnancy or for forty-eight hours post-delivery, whether during
12 transportation to and from visits to health care providers and court
13 proceedings or during labor and delivery;

14 (2) Pregnant and postpartum offenders shall be transported to
15 and from visits to health care providers and court proceedings in
16 vehicles with seatbelts;

17 (3) Any time restraints are used on a pregnant or postpartum
18 offender, the restraints shall be the least restrictive available and the
19 most reasonable under the circumstances. In no case shall leg or waist
20 restraints be used on any pregnant or postpartum offender; and

21 (4) If a doctor, nurse, or other health care provider treating the
22 pregnant or postpartum offender requests that restraints not be used,
23 the corrections officer accompanying the pregnant or postpartum
24 offender shall immediately remove all restraints.

25 3. In the event a doctor determines that extraordinary
26 circumstances exist and restraints are used, the doctor shall fully
27 document in writing within seven days of the incident the reasons he
28 or she determined such extraordinary circumstances existed, the kind
29 of restraints used, and the reasons those restraints were considered the
30 least restrictive available and the most reasonable under the
31 circumstances.

32 4. The sentencing and corrections oversight commission
33 established under section 217.147, and the advisory committee
34 established under section 217.015, shall conduct biannual reviews of
35 every report written on the use of restraints on a pregnant or
36 postpartum offender in accordance with subsection 3 of this section to

37 **determine compliance with this section. The written reports shall be**
38 **kept on file by the department for five years.**

39 **5. The chief administrative officer of each correctional center**
40 **shall:**

41 **(1) Ensure that employees of the correctional center who come**
42 **in contact with pregnant or postpartum offenders are provided with**
43 **training, which may include online training, on the provisions of this**
44 **section; and**

45 **(2) Inform female offenders of the policies and practices**
46 **developed in accordance with this section upon admission to the**
47 **correctional center, including the policies and practices in the offender**
48 **handbook, and post the policies and practices in locations in the**
49 **correctional center where such notices are commonly posted and will**
50 **be seen by female offenders, including common housing areas and**
51 **health care facilities.**

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