

# An Act

ENROLLED HOUSE  
BILL NO. 3393

By: Goodwin, Loring, Dunnington  
and Kannady of the House

and

Griffin, Pittman, Sharp and  
Floyd of the Senate

An Act relating to prisons and reformatories;  
directing penal institutions, detention centers and  
jails to use least restrictive restraints on pregnant  
inmates; prohibiting use of restraints on inmates  
during labor and delivery; providing an exception;  
providing for publication of certain notice;  
directing penal institutions, detention centers and  
jails to allow access to family member, friend or  
doula services for pregnant inmates; making certain  
acts unlawful; providing penalties; defining terms;  
providing for codification; and providing an  
effective date.

SUBJECT: Prisons and reformatories

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 4.2 of Title 57, unless there is  
created a duplication in numbering, reads as follows:

A. All penal institutions, detention centers and county jails  
shall use the least restrictive restraints necessary when the  
facility has actual or constructive knowledge that an inmate is  
pregnant. The presumption is that no restraints of any kind shall  
be used, unless otherwise directed by the physician in charge:

1. When transporting an inmate who is in labor;
2. During any phase of labor;

3. While the inmate is delivering her baby; or

4. While the inmate is recuperating from the delivery of her baby, unless there are compelling grounds to believe that the inmate presents an immediate and serious threat of harm to herself, staff or others or is a substantial flight risk and cannot be reasonably contained by other means.

B. Prior to labor, if it is necessary to ensure the safety of the inmate, staff or others, only the least restrictive restraints necessary shall be used and in a way that mitigates adverse clinical consequences. Consultation with medical staff is required prior to application of restraints. Written approval from the warden of a penal institution, director of a detention center or sheriff of a county jail is required, unless there are compelling grounds to believe that the inmate presents an immediate and serious threat of harm to herself, staff or others or is a substantial flight risk and cannot be reasonably contained by other means. Correctional officers shall be available and shall be required to remove restraints upon request from medical personnel. The following restraints and control techniques are prohibited:

1. Abdominal restraints;

2. Four-point restraints or placing the pregnant inmate in a facedown position;

3. Leg and ankle restraints that may increase the risk of forward falls; and

4. Any kind of chain restraints where the inmate is linked to any other inmate.

In general, the least restrictive restraints necessary shall be a frontal wrist restraint which, if used, must be applied in such a way that the pregnant inmate is able to protect herself and the fetus in the event of a forward fall.

C. To maintain privacy, when appropriate, correctional officers shall be positioned outside the room of the inmate, unless requested by the physician in charge.

D. Any female inmate confined in a penal institution, detention center or county jail shall receive notice in writing in a language

and manner understandable to the inmate about the requirements of this section upon admission to the penal institution, detention center or county jail and again, when the inmate is known to be pregnant. The warden, director or sheriff shall publish notice of the requirements of this section in prominent locations where medical care is provided to female inmates.

E. All penal institutions, detention centers and county jails shall ensure that pregnant inmates have access to one of the following during delivery:

1. A family member or a friend who has previously been approved on the visitors list of the penal institution, detention center or county jail;

2. A member of the clergy; or

3. A doula; provided, during delivery the doula services are furnished by a certified doula without charge to the penal institution, detention center or county jail. In such a case, the inmate must make arrangements for the doula services and shall notify the penal institution, detention center or county jail of such request in advance.

F. It shall be unlawful for any correctional officer or county detention officer to use restraints on a pregnant inmate as prohibited by the provisions of subsection A or B of this section and upon conviction such correctional officer or county detention officer shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

G. As used in this section:

1. "Certified doula" means an individual who has received a certification to perform doula services from a nationally recognized childbirth education association; and

2. "Doula services" means continuous emotional and physical support throughout labor and birth and intermittently during the prenatal and postpartum periods.

SECTION 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 1st day of May, 2018.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 2nd day of May, 2018.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_