COMMITTEE REPORT

March 27, 2019

**H. 3967**

Introduced by Reps. Mace, Trantham, Kimmons, Crawford, Henderson‑Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb‑Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Simmons, G.R. Smith, Garvin, Rose, B. Cox and Caskey

S. Printed 3/27/19--H.

Read the first time February 13, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3967) to amend the Code of Laws of South Carolina, 1976, by adding Section 24‑13‑35 so as to provide methods of restraining inmates with a clinical diagnosis, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑13‑35 SO AS TO PROVIDE METHODS OF RESTRAINING INMATES WITH A CLINICAL DIAGNOSIS OF PREGNANCY OR IN POSTPARTUM RECUPERATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24‑13‑35. (A) Notwithstanding another provision of law, a person officially charged with safekeeping of inmates, whether the inmates are awaiting trail or have been sentenced and confined in a state correctional facility, local detention facility, or prison camp or work camp shall not restrain by leg, waist, or ankle restraints an inmate with a clinical diagnosis of pregnancy.

(B) Wrist restraints may be used during any internal escort or external transport. The wrist restraints shall only be applied in the front and in a way that the pregnant inmate may be able to protect herself and the fetus in the event of a fall. This provision also applies to inmates not in labor or suspected labor who are escorted out for Ultrasound Addiction Therapy for Pregnant Women or other routine services. The director of the facility must be notified anytime an inmate is transported externally for delivery.

(C) The following inmates must not be placed in any restraints, including wrist restraints, unless there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff, or others, including her fetus or child, or that she presents an immediate, credible risk of escape that cannot be reasonable contained through other methods:

(1) an inmate who is in labor, which is defined as occurring at the onset of contractions;

(2) an inmate who is delivering her baby;

(3) an inmate who is identified by medical staff as in postpartum recuperation;

(4) an inmate who is transported or housed in an outside medical facility for treating labor and delivery;

(5) an inmate for induction once the intravenous line has been placed and the induction medication has been started;

(6) an inmate who is being transported from the holding room to the operating room for C‑section; or

(7) an inmate during initial bonding with a newborn child, including nursing and skin‑to‑skin contact. If restraints are required, they should allow for the mother’s safe handling of her infant.

(D) When the use of restraints during labor occurs, officers must immediately notify the director of the facility of the reasons why restraints were applied and an incident report must be completed.

(E) Upon medical discharge, wrist restraints must be applied for transport back to the facility. Leg restraints may be applied when there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff, or others, or that she presents an immediate, credible risk of escape that cannot be reasonable contained through other methods.

(F) Waist restraints shall not be used at any time during pregnancy or postdelivery, to include transport back to the facility.”

SECTION 2. This act takes effect upon approval by the Governor.

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