

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 656
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “delivery” insert “except under certain circumstances”; strike beginning with “requiring” in line 8 down through “restraint;” in line 9 and substitute “requiring the Department of Public Safety and Correctional Services and the managing official of a local correctional facility or the managing official of a certain transport agency to develop a certain policy for use at each correctional facility;”; in line 9, strike “requiring” and substitute “authorizing”; in line 12, after “regulations” insert “relating to the use of physical restraints on certain individuals;”; in line 13, strike beginning with “and” through “facility”; in the same line, strike “a”; in line 14, strike “report” and substitute “reports”; in the same line, after “date” insert “each calendar year for a certain period”; and in line 15, strike “declaring the findings of the General Assembly,”.

AMENDMENT NO. 2

On page 2, in line 17, after “MEANS” insert “, AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE OR DETAINEE,”; in line 21, after “MEANS” insert “A”; in the same line, strike “MECHANICAL”; in line 22, after “CONTROL” insert “OR BIND”; in the same line, after “OF” insert “ANY PART OF”; strike beginning with the first comma in line 23 down through “SHIELD” in line 25; in line 26, strike the comma and substitute “THE PERIOD IMMEDIATELY FOLLOWING DELIVERY”; strike beginning with the comma in line 27 down through “DELIVERY” in line 28; and strike in their entirety lines 31 through 33, inclusive.

On page 3, strike in their entirety lines 1 through 24, inclusive; and in lines 25 and 32, strike “(C)” and “(D)”, respectively, and substitute “(B)” and “(C)”, respectively.

(Over)

On page 4, in lines 4, 14, and 16, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 15, after “DELIVERY” insert “, EXCEPT AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE”; in line 22, after “FACILITY” insert “, THE MANAGING OFFICIAL’S DESIGNEE,”; in line 23, strike “CONTEMPORANEOUSLY” and substitute “WHICH SHALL BE”; in line 24, strike “MUST BE USED” and substitute “IS REQUIRED”; and in line 26, after “PUBLIC” insert “ACCORDING TO POLICIES AND PROCEDURES ADOPTED BY THE DEPARTMENT AND THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL FACILITY OR THE MANAGING OFFICIAL OF THE AGENCY DESIGNATED TO TRANSPORT INMATES”.

On page 5, strike beginning with “IF” in line 1 down through “USED” in line 8 and substitute “THE DEPARTMENT AND THE MANAGING OFFICIAL OF EACH LOCAL CORRECTIONAL FACILITY OR THE MANAGING OFFICIAL OF THE AGENCY DESIGNATED TO TRANSPORT INMATES SHALL DEVELOP A POLICY FOR USE AT EACH CORRECTIONAL FACILITY THAT:

(I) REQUIRES A PHYSICAL RESTRAINT USED ON A PREGNANT INMATE DURING TRANSPORT TO BE THE LEAST RESTRICTIVE NECESSARY; AND

(II) ESTABLISHES A METHOD FOR REPORTING THE USE OF PHYSICAL RESTRAINTS ON PREGNANT INMATES”;

in lines 9 and 23, strike “(H)” and “(I)”, respectively, and substitute “(G)” and “(H)”, respectively; and in line 11, strike “(E)(1)” and substitute “(D)(1)”.

On page 6, in line 1, strike “(J)” and substitute “(I)”; and in line 11, strike “SHALL” and substitute “MAY”.

On page 7, strike beginning with “RESTRAINT” in line 18 down through “ARTICLE” in line 21 and substitute “RESTRAINTS ON AN INDIVIDUAL KNOWN TO BE IN THE THIRD TRIMESTER OF PREGNANCY OR DURING LABOR, DELIVERY, OR POSTPARTUM RECOVERY, INCLUDING DURING ALL TRANSPORTS, UNLESS A FACILITY SUPERINTENDENT OR THE FACILITY SUPERINTENDENT’S DESIGNEE DETERMINES THAT A PHYSICAL RESTRAINT IS NECESSARY TO PROTECT THE INDIVIDUAL FROM HARMING HERSELF OR OTHERS OR TO PREVENT THE INDIVIDUAL’S ESCAPE FROM CUSTODY”.

AMENDMENT NO. 3

On page 7, in line 23, strike “fiscal year” and substitute “calendar year until December 31, 2017”; strike beginning with “and” in line 24 down through “year” in line 25; in line 25, after “shall” insert “submit a”; and strike beginning with “each” in line 27 down through “Act” in line 28 and substitute “the number of times physical restraints were used on a pregnant inmate during labor, delivery, and postpartum recovery during the previous calendar year in each State and local correctional facility”.