

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 27
(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 12, after “regulations” insert “relating to the use of physical restraints on certain individuals;”; and in line 15, strike “declaring the findings of the General Assembly;”.

AMENDMENT NO. 2

On page 2, in line 16, after “MEANS” insert “, AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE OR DETAINEE,”; in line 20, after “MEANS” insert “A”; in the same line, strike “MECHANICAL”; in line 21, after “CONTROL” insert “OR BIND”; in the same line, after “OF” insert “ANY PART OF”; strike beginning with the first comma in line 22 down through “SHIELD” in line 24; in line 25, strike the comma and substitute “THE PERIOD IMMEDIATELY FOLLOWING DELIVERY”; strike beginning with the comma in line 26 down through “DELIVERY” in line 27; and strike in their entirety lines 30 through 34, inclusive.

On page 3, strike in their entirety lines 1 through 22, inclusive; and in lines 23 and 30, strike “(C)” and “(D)”, respectively, and substitute “(B)” and “(C)”, respectively.

(Over)

On page 4, in lines 3, 13, and 15, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 14, after “DELIVERY” insert “, EXCEPT AS DETERMINED BY THE MEDICAL PROFESSIONAL RESPONSIBLE FOR THE CARE OF THE INMATE”; in line 21, after “FACILITY” insert “, THE MANAGING OFFICIAL’S DESIGNEE,”; in line 22, strike “CONTEMPORANEOUSLY” and substitute “WHICH SHALL BE”; in line 23, strike “MUST BE USED” and substitute “IS REQUIRED”; and in line 25, 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, INCLUDING REFERENCE TO THE CIRCUMSTANCES THAT REQUIRED USE OF THE PHYSICAL RESTRAINTS”;

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)”.

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”; and strike beginning with “each” in line 27 down through “Act” in line 28 and substitute “the following information”:

- (a) each instance of the use of physical restraints;
- (b) the use of restraints on inmates in the second or third trimester of pregnancy or during labor, delivery, or postpartum recovery for the time period between January 1 and November 30 for the reporting year;
- (c) an explanation and text of the Pregnancy Management Manual and current policy statement regarding physical restraints used on inmates;
- (d) a listing of physical restraints and whether the physical restraint is considered to be least restrictive, moderately restrictive, or most restrictive;
- (e) for the Patuxent Institution, Maryland Correctional Institution for Women, and Baltimore City Women’s Detention Center:
 - (1) the number of times a physical restraint was used on a woman in the facility; and

(2) a description of the setting in which the physical restraint was used, the reason for the use of the physical restraint, the length of time that the woman was restrained, and the type of restraint used, including the use of waist chains and leg irons; and

(f) a description of corrective actions implemented by the Department for any deficiencies identified with following established procedures regarding the use of physical restraints on pregnant inmates”.