

Committee on Criminal Justice

SB 524 — Restraint of Incarcerated Pregnant Women

by Senators Joyner and Bullard

This bill creates the “Healthy Pregnancies for Incarcerated Women Act.” It generally prohibits the use of restraints during labor, delivery, or postpartum recovery on women who are known to be pregnant and who are incarcerated in a state, local, or privately-operated adult or juvenile facility. However, exceptions are allowed on an individual basis as determined to be required by correctional officers or officials for security reasons. The bill also sets standards for restraint of pregnant prisoners during the third trimester of pregnancy. Any restraint must be done in the least restrictive manner necessary to mitigate the possibility of adverse clinical consequences.

The bill includes several administrative provisions:

1. A woman who is restrained in violation of the bill’s provisions can file a grievance with the correctional institution in addition to pursuing any other remedies available under state or federal law for harm caused by the use of restraints;
2. Any exception must be documented in writing and kept on file for a period of 5 years;
3. The Department of Corrections and the Department of Juvenile Justice must adopt rules to administer the new law; and
4. Each correctional institution must inform female prisoners of the rules and post the policies in the institution where they will be seen by female prisoners.

This bill creates an undesignated section of the Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 114-1