

ASSEMBLY BILL NO. 408—ASSEMBLYMEN
SEGERBLOM AND FLORES

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Restricts the use of restraints on pregnant females who are in confinement. (BDR 16-117)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the administration of justice; restricting the use of restraints on pregnant females who are in confinement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill permit only the least restrictive restraints which are necessary to ensure safety and security to be used on a prisoner when a state, local or private correctional institution or facility knows that a prisoner is in the second or third trimester of pregnancy. Additionally, **sections 1 and 2** prohibit the use of restraints on a prisoner who is in labor, delivering a baby or recuperating from delivery unless the prisoner presents a risk of harm or flight. If restraints are used on a prisoner who is in labor, delivering a baby or recuperating from delivery, the restraints used must be the least restrictive restraints which are necessary to ensure safety and security.

Sections 3 and 4 of this bill provide for the same limitations and prohibitions on the use of restraints on pregnant children confined in a state, local or private facility or institution for the detention of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Only the least restrictive restraints which are necessary to ensure safety and security may be used on an offender when a facility or institution at which the offender is confined has actual



1 *or constructive knowledge that the offender is in the second or*
2 *third trimester of pregnancy.*

3 2. *No restraints of any kind may be used on an offender who*
4 *is in labor, delivering her baby or recuperating from delivery*
5 *unless there are compelling reasons to believe that the offender*
6 *presents:*

7 (a) *A serious and immediate threat of harm to herself, staff or*
8 *others; or*

9 (b) *A substantial flight risk and cannot be reasonably confined*
10 *by other means.*

11 3. *If an offender who is in labor, delivering her baby or*
12 *recuperating from delivery is restrained, only the least restrictive*
13 *restraints which are necessary to ensure safety and security may*
14 *be used.*

15 4. *As used in this section, the term "facility or institution"*
16 *includes a private facility or institution.*

17 **Sec. 2.** Chapter 211 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 1. *Only the least restrictive restraints which are necessary to*
20 *ensure safety and security may be used on a prisoner when a jail*
21 *or detention facility at which the prisoner is confined has actual or*
22 *constructive knowledge that the prisoner is in the second or third*
23 *trimester of pregnancy.*

24 2. *No restraints of any kind may be used on a prisoner who is*
25 *in labor, delivering her baby or recuperating from delivery unless*
26 *there are compelling reasons to believe that the prisoner presents:*

27 (a) *A serious and immediate threat of harm to herself, staff or*
28 *others; or*

29 (b) *A substantial flight risk and cannot be reasonably confined*
30 *by other means.*

31 3. *If a prisoner who is in labor, delivering her baby or*
32 *recuperating from delivery is restrained, only the least restrictive*
33 *restraints which are necessary to ensure safety and security may*
34 *be used.*

35 **Sec. 3.** Chapter 62B of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 1. *Only the least restrictive restraints which are necessary to*
38 *ensure safety and security may be used on a child in the custody of*
39 *a public or private institution or agency when the institution or*
40 *agency has actual or constructive knowledge that the child is in*
41 *the second or third trimester of pregnancy.*

42 2. *No restraints of any kind may be used on a child who is in*
43 *labor, delivering her baby or recuperating from delivery unless*
44 *there are compelling reasons to believe that the child presents:*



1 (a) *A serious and immediate threat of harm to herself, staff or*
2 *others; or*

3 (b) *A substantial flight risk and cannot be reasonably confined*
4 *by other means.*

5 3. *If a child who is in labor, delivering her baby or*
6 *recuperating from delivery is restrained, only the least restrictive*
7 *restraints which are necessary to ensure safety and security may*
8 *be used.*

9 **Sec. 4.** Chapter 63 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 1. *Only the least restrictive restraints which are necessary to*
12 *ensure safety and security may be used on a child in a facility*
13 *when the facility has actual or constructive knowledge that the*
14 *child is in the second or third trimester of pregnancy.*

15 2. *No restraints of any kind may be used on a child who is in*
16 *labor, delivering her baby or recuperating from delivery unless*
17 *there are compelling reasons to believe that the child presents:*

18 (a) *A serious and immediate threat of harm to herself, staff or*
19 *others; or*

20 (b) *A substantial flight risk and cannot be reasonably confined*
21 *by other means.*

22 3. *If a child who is in labor, delivering her baby or*
23 *recuperating from delivery is restrained, only the least restrictive*
24 *restraints which are necessary to ensure safety and security may*
25 *be used.*

