

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.

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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 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 prohibitions and limitations 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. No restraints of any kind may be used on an offender who is in labor, delivering her baby or recuperating from delivery unless there are compelling reasons to believe that the offender presents:

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



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

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

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

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

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

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

17 ***2. If a prisoner who is in labor, delivering her baby or***
18 ***recuperating from delivery is restrained, only the least restrictive***
19 ***restraints which are necessary to ensure safety and security may***
20 ***be used.***

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

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

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

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

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

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

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

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

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



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

