

Amendment No. 450

Assembly Amendment to Assembly Bill No. 408

(BDR 16-117)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DP/KEL



Date: 4/20/2011

A.B. No. 408—Restricts the use of restraints on pregnant females who are in confinement. (BDR 16-117)



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

~~2.~~ 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

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

~~19-1~~ 2. If an offender who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.

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

Sec. 2. Chapter 211 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 a prisoner when a jail or detention facility at which the prisoner is confined has actual or constructive knowledge that the prisoner is in the second or third trimester of pregnancy.~~

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

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

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

~~19-1~~ 2. If a prisoner who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.

Sec. 3. Chapter 62B 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 a child in the custody of a public or private institution or agency when the institution or agency has actual or constructive knowledge that the child is in the second or third trimester of pregnancy.~~

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

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

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

~~19-1~~ 2. If a child who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.

Sec. 4. Chapter 63 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 a child in a facility when the facility has actual or constructive knowledge that the child is in the second or third trimester of pregnancy.~~

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

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

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

~~19-1~~ 2. If a child who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.