

SUBJECT: Use of restraints to control the movement of pregnant inmates

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — McReynolds, Madden, Hodge, Marquez, S. Miller, Ortiz, Sheffield

0 nays

4 absent — Dutton, England, Kolkhorst, Martinez

WITNESSES: For — Diana Claitor, Texas Jail Project; Elisabeth Holland; Andrew Rivas, Texas Catholic Conference; Matt Simpson, American Civil Liberties Union of Texas; (*Registered, but did not testify*: Jennifer Curter, Parkland Health and Hospital System; Justin Marlin, Texans Care for Children; James Willmann, Texas Nurses Association; Ana Yanez-Correa, Texas Criminal Justice Coalition)

Against — None

On — Lannette Linthicum, Nathaniel Quarterman, Texas Department of Criminal Justice; Adan Munoz, Texas Commission on Jail Standards

DIGEST: CSHB 3653 would prohibit the Texas Department of Criminal Justice (TDCJ), Texas Youth Commission (TYC), and municipal and county jails from using restraints to control the movement of a pregnant inmate in custody while the inmate was in labor or delivery, or recovering from delivery, unless the TDCJ director or designee, TYC executive director or designee, or jail sheriff or other person with supervisory authority over the jail determined that the use of restraints was necessary to:

- ensure the safety and security of the pregnant inmate or her infant, TDCJ, TYC, jail, or medical personnel, or any member of the public; or
- prevent a substantial risk that the inmate would attempt escape.

If the use of restraints was deemed necessary, the type and manner of restraint would have to be the least restrictive available under the circumstances to ensure safety and security, or prevent escape.

The bill would take effect September 1, 2009, and apply only to the use of restraints on or after this date.

**SUPPORTERS
SAY:**

The United States Bureau of Prisons has banned the shackling of pregnant prisoners in federal custody during transportation, labor, and delivery. Current Texas law has no such guidelines. Shackling during labor and delivery can interfere with appropriate medical care, be harmful to the health of the mother and infant, and violate the dignity of the pregnant woman. CSHB 3653 would restrict this practice and put current Texas Department of Criminal Justice policies into statute.

**OPPONENTS
SAY:**

No apparent opposition