

Article 2B.

Dignity for Women Incarcerated in Prison Facilities.

§ 148-25.1. Definitions.

As used in this Article, the following definitions apply:

- (1) Body cavity searches. – The probing of body orifices in search of contraband.
- (2) Correctional facility. – Any unit of the State prison system, juvenile detention facility, or other entity under the authority of the State that has the power to detain or restrain a person under the laws of this State.
- (3) Correctional facility employee. – Any person who is employed by the State and who works at or in a correctional facility.
- (4) Escape risk. – An incarcerated person who is determined to be at high risk for escape based on an individualized risk assessment.
- (5) Important circumstance. – There has been an individualized determination that there are reasonable grounds to believe that the female incarcerated person presents a threat of harming herself, the fetus, or any other person, or an escape risk that cannot be reasonably contained by other means, including the use of additional personnel.
- (6) Incarcerated person. – Any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pretrial release, or a diversionary program.
- (7) Menstrual products. – Products that women use during their menstrual cycle. These include tampons and sanitary napkins.
- (8) Postpartum recovery. – The six-week period following delivery, or longer, as determined by the health care professional responsible for the health and safety of the female incarcerated person.
- (9) Restraints. – Any physical or mechanical device used to restrict or control the movement of an incarcerated person's body, limbs, or both.
- (10) Restrictive housing. – Any type of detention that involves removal from general population and an inability to leave a room or cell for the vast majority of the day. This term shall not include any of the following:
 - a. Single-cell accommodations in facilities that provide those accommodations to all incarcerated persons.
 - b. Single-cell accommodations in facilities that provide those accommodations to all persons of a certain sex or gender.
 - c. Single-cell accommodations provided for medical reasons, except when pregnancy, alone, is the medical reason for the single-cell accommodations.
 - d. Single-cell accommodations provided when an individualized determination has been made that there are reasonable grounds to believe that there exists a threat of harm to the female incarcerated person or the fetus.
 - e. Single-cell accommodations provided at the request of the incarcerated person.
- (11) State of undress. – A situation when an incarcerated person is partially or fully naked, either in the shower, toilet areas, a medical examination room, or while having a body cavity search conducted. (2021-143, s. 2(a).)