GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2017**

H.B. 1038 May 30, 2018 HOUSE PRINCIPAL CLERK

H HOUSE BILL DRH10460-MMa-136A D

Short Title:	Healthy Mother & Child/Shackling Prohibition.	(Public)
Sponsors:	Representatives B. Richardson and Cunningham (Primary Sponsors).	
Referred to:		
	A RILL TO RE ENTITLED	

1 2 AN ACT TO ENSURE HEALTHY PREGNANCIES FOR FEMALE PRISONERS AND 3 DETAINEES. 4 The General Assembly of North Carolina enacts: 5 **SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new 6 Article to read: 7 "Article 84C. 8 "Treatment of Pregnant Prisoners and Detainees. 9 "§ 15A-1369.10. Definitions. 10 As used in this Article: 11 **(1)** "Correctional institution" means any unit of the State prison system, local 12 confinement facility, juvenile detention facility, or other entity under the authority of any State or local law enforcement agency that has the power to 13 detain or restrain a person under the laws of this State. 14 15 "Corrections official" means the official that is responsible for oversight of a (2) correctional institution or that official's designee. 16 17 "Detainee" includes any person detained under the immigration laws of the <u>(3)</u> United States at any correctional facility. 18 "Extraordinary circumstance" means a substantial flight risk or some other 19 (4) 20 extraordinary medical or security circumstance that dictates restraints be used 21 to ensure the safety and security of the prisoner or detainee, the staff of the 22 correctional institution or medical facility, other prisoners or detainees, or the 23 public. 24 "Labor" means the period of time before a birth during which contractions are (5) 25 of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix. 26 "Postpartum recovery" means, as determined by a woman's physician or 27 (6) 28 obstetrical provider, the period immediately following delivery, including the 29 entire period a woman is in the hospital or infirmary after giving birth. 30

- "Prisoner" means any person incarcerated or detained in any facility who is <u>(7)</u> 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 diversionary program.
- "Restraints" means any physical restraint or mechanical device used to control (8) the movement of a prisoner or detainee's body or limbs.
- "§ 15A-1369.11. Restraint of prisoners and detainees.

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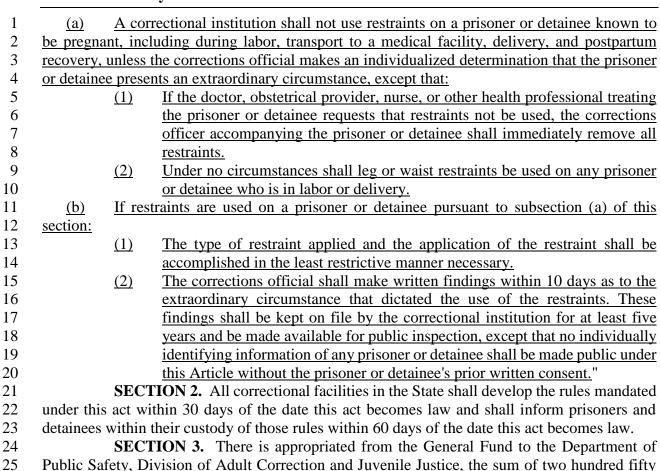
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SECTION 3. There is appropriated from the General Fund to the Department of Public Safety, Division of Adult Correction and Juvenile Justice, the sum of two hundred fifty thousand dollars (\$250,000) for fiscal year 2018-2019 in recurring funds to be allocated to policy implementation, education, and training of the procedures outlined in Section 1 of this act.

SECTION 4. This act becomes effective July 1, 2018.

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