

HOUSE BILL No. 6613

December 21, 2018, Introduced by Reps. Geiss and Chang and referred to the Committee on Law and Justice.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 67a (MCL 791.267a), as added by 1996 PA 234, and by adding section 65j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 65J. (1) AN EMPLOYEE OF THE DEPARTMENT SHALL NOT RESTRAIN**
2 **A PRISONER KNOWN TO BE PREGNANT UNLESS THE EMPLOYEE MAKES AN**
3 **INDIVIDUALIZED DETERMINATION, WITH EXPLICIT PERMISSION FROM A**
4 **RANKING PRISON ADMINISTRATOR, THAT RESTRAINTS ARE REASONABLY**
5 **NECESSARY FOR THE LEGITIMATE SAFETY AND SECURITY NEEDS OF THE**
6 **PRISONER, CORRECTIONAL FACILITY EMPLOYEES, OTHER INMATES, OR THE**
7 **PUBLIC, AND THE TREATING MEDICAL CARE PROVIDER DOES NOT OBJECT TO**
8 **THE USE OF RESTRAINTS. IF RESTRAINTS ARE DETERMINED TO BE**
9 **NECESSARY, THE RESTRAINTS MUST BE THE LEAST RESTRICTIVE AVAILABLE**
10 **AND THE MOST REASONABLE UNDER THE CIRCUMSTANCES.**

HOUSE BILL No. 6613

1 (2) AN EMPLOYEE OF A CORRECTIONAL FACILITY SHALL NOT RESTRAIN
2 A PRISONER KNOWN TO BE PREGNANT WHILE THE PRISONER IS BEING
3 TRANSPORTED IF THE RESTRAINT IS THROUGH THE USE OF LEG IRONS, WAIST
4 CHAINS OR OTHER DEVICES THAT CROSS OR OTHERWISE TOUCH THE
5 PRISONER'S ABDOMEN, HANDCUFFS, OR OTHER DEVICES THAT CROSS OR
6 OTHERWISE TOUCH THE PRISONER'S WRISTS WHEN AFFIXED BEHIND THE
7 PRISONER'S BACK.

8 (3) AN EMPLOYEE OF THE DEPARTMENT MAY NOT PLACE A PRISONER
9 KNOWN TO BE PREGNANT IN SEGREGATION OR ISOLATING CONDITIONS.

10 (4) AN EMPLOYEE OF A CORRECTIONAL FACILITY MAY RESTRAIN A
11 PRISONER WHO IS IN LABOR OR WHO HAS GIVEN BIRTH WITHIN THE
12 PRECEDING 3 DAYS ONLY IF ALL OF THE FOLLOWING CONDITIONS APPLY:

13 (A) THERE IS A SUBSTANTIAL FLIGHT RISK OR ANOTHER
14 EXTRAORDINARY MEDICAL OR SECURITY CIRCUMSTANCE THAT DICTATES
15 RESTRAINTS BE USED TO ENSURE THE SAFETY AND SECURITY OF THE
16 PRISONER, CORRECTIONAL FACILITY EMPLOYEES, OTHER INMATES, OR THE
17 PUBLIC.

18 (B) THE EMPLOYEE HAS MADE AN INDIVIDUALIZED DETERMINATION WITH
19 EXPLICIT PERMISSION FROM A RANKING PRISON ADMINISTRATOR THAT
20 RESTRAINTS ARE NECESSARY TO PREVENT ESCAPE OR INJURY.

21 (C) THERE IS NO OBJECTION FROM THE TREATING MEDICAL CARE
22 PROVIDER.

23 (D) THE RESTRAINTS USED ARE THE LEAST RESTRICTIVE TYPE AND ARE
24 USED IN THE LEAST RESTRICTIVE MANNER.

25 (5) UPON ARRIVING AT A RECEPTION CENTER DESIGNATED UNDER
26 SECTION 67(1), THE DEPARTMENT MUST OFFER PREGNANCY TESTING TO EACH
27 INCOMING FEMALE PRISONER WHO IS NOT MORE THAN 50 YEARS OF AGE.

1 (6) THE DEPARTMENT MUST ENSURE EVERY PRISONER WHO HAS GIVEN
2 BIRTH WITHIN THE LAST 12 MONTHS AND IS PRODUCING BREAST MILK IS
3 PROVIDED BOTH OF THE FOLLOWING OPPORTUNITIES:

4 (A) TO BREAST-FEED THE INFANT CHILD OF THE PRISONER DURING ANY
5 VISIT WITH THE INFANT.

6 (B) TO EXPRESS BREAST MILK FOR THE INFANT CHILD OF THE
7 PRISONER.

8 (7) A PRISONER WHO EXPRESSES HER BREAST MILK AS AUTHORIZED
9 UNDER SUBSECTION (6) (B) MUST BE GIVEN ACCESS TO NECESSARY SUPPLIES,
10 INCLUDING A BREAST PUMP AND APPROPRIATE, SANITARY CONTAINERS FOR
11 STORAGE, AND MUST BE ALLOWED TO HAVE THE BREAST MILK STORED UNDER
12 REFRIGERATION UNTIL IT IS PICKED UP BY A PERSON THE PRISONER HAS
13 AUTHORIZED FOR THAT PURPOSE.

14 (8) THE DEPARTMENT MUST ALLOW A PRISONER TO HAVE ACCESS TO
15 DOULA SERVICES IF THE PRISONER IS KNOWN TO BE PREGNANT OR HAS GIVEN
16 BIRTH NOT MORE THAN 6 WEEKS BEFORE SHE ARRIVED AT A RECEPTION
17 CENTER DESIGNATED UNDER SECTION 67(1). A SUPPORT PERSON WHO HAS
18 COMPLETED BIRTH PLANNING WITH THE PREGNANT PRISONER AND HAS BEEN
19 CLEARED USING THE LAW ENFORCEMENT INFORMATION NETWORK AS PROVIDED
20 IN THE C.J.I.S. POLICY COUNCIL ACT, 1974 PA 163, MCL 28.211 TO
21 28.215, MAY BE PRESENT IN THE DELIVERY ROOM WITH THE PREGNANT
22 PRISONER, ALONG WITH THE DOULA.

23 (9) AN EMPLOYEE OF THE CORRECTIONAL FACILITY WHO MAY HAVE
24 CONTACT WITH PREGNANT PRISONERS INCARCERATED IN THE FACILITY MUST
25 RECEIVE ANNUAL TRAINING ON THE PROVISIONS OF THIS SECTION.

26 (10) A PRISONER KNOWN TO BE PREGNANT MUST BE ASKED TO
27 DESIGNATE A PERSON TO RECEIVE UPDATES ABOUT HER MEDICAL CONDITION.

1 A PERSON DESIGNATED UNDER THIS SUBSECTION MUST BE NOTIFIED WHEN
2 THAT PRISONER IS TRANSPORTED TO A MEDICAL APPOINTMENT OR TO A
3 HOSPITAL, BEGINS LABOR, OR DELIVERS HER CHILD. AFTER A PERSON
4 DESIGNATED UNDER THIS SECTION IS NOTIFIED THAT A PREGNANT PERSON
5 HAS BEGUN LABOR, THAT PERSON AND AN ADDITIONAL 2 SUPPORT PERSONS
6 MAY BE PRESENT IN A HOSPITAL VISITING ROOM.

7 (11) AS USED IN THIS SECTION, "DOULA SERVICES" MEANS
8 CHILDBIRTH EDUCATION AND SUPPORT SERVICES, INCLUDING EMOTIONAL,
9 PHYSICAL, AND INFORMATIONAL SUPPORT PROVIDED DURING PREGNANCY,
10 LABOR, BIRTH, AND THE POSTPARTUM PERIOD.

11 Sec. 67a. (1) A prisoner who receives nonemergency medical,
12 dental, or optometric services at his or her request is responsible
13 for a copayment fee to the department for those services, as
14 determined by the department. If the prisoner is a minor, the
15 prisoner's parent or guardian is also responsible for a copayment
16 fee imposed under this section.

17 (2) A prisoner who intentionally injures himself or herself,
18 and receives emergency medical care for that injury, is responsible
19 for the entire cost of the medical care, rather than the copayment
20 described in subsection (1).

21 (3) The department shall determine whether those prisoners who
22 injure themselves intentionally ~~shall~~ **MUST** be housed in a facility
23 designed to allow on-site medical treatment of those injuries. Not
24 later than ~~6 months after the effective date of this section,~~
25 **SEPTEMBER 30, 1997**, the director of the department shall report to
26 the legislature on the feasibility and cost of implementing this
27 subsection.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.