

1 AN ACT concerning corrections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 3-15003.6 as follows:

6 (55 ILCS 5/3-15003.6)

7 Sec. 3-15003.6. Pregnant female prisoners.

8 (a) Definitions. For the purpose of this Section:

9 (1) "Restraints" means any physical restraint or
10 mechanical device used to control the movement of a
11 prisoner's body or limbs, or both, including, but not
12 limited to, flex cuffs, soft restraints, hard metal
13 handcuffs, a black box, Chubb cuffs, leg irons, belly
14 chains, a security (tether) chain, or a convex shield, or
15 shackles of any kind.

16 (2) "Labor" means the period of time before a birth and
17 shall include any medical condition in which a woman is
18 sent or brought to the hospital for the purpose of
19 delivering her baby. These situations include: induction
20 of labor, prodromal labor, pre-term labor, prelabor
21 rupture of membranes, the 3 stages of active labor, uterine
22 hemorrhage during the third trimester of pregnancy, and
23 caesarian delivery including pre-operative preparation.

1 (3) "Post-partum" means, as determined by her
2 physician, the period immediately following delivery,
3 including the entire period a woman is in the hospital or
4 infirmary after birth.

5 (4) "Correctional institution" means any entity under
6 the authority of a county law enforcement division of a
7 county of more than 3,000,000 inhabitants that has the
8 power to detain or restrain, or both, a person under the
9 laws of the State.

10 (5) "Corrections official" means the official that is
11 responsible for oversight of a correctional institution,
12 or his or her designee.

13 (6) "Prisoner" means any person incarcerated or
14 detained in any facility who is accused of, convicted of,
15 sentenced for, or adjudicated delinquent for, violations
16 of criminal law or the terms and conditions of parole,
17 probation, pretrial release, or diversionary program, and
18 any person detained under the immigration laws of the
19 United States at any correctional facility.

20 (7) "Extraordinary circumstance" means an
21 extraordinary medical or security circumstance, including
22 a substantial flight risk, that dictates restraints be used
23 to ensure the safety and security of the prisoner, the
24 staff of the correctional institution or medical facility,
25 other prisoners, or the public.

26 (b) A county department of corrections shall not apply

1 security restraints to a prisoner that has been determined by a
2 qualified medical professional to be pregnant and is known by
3 the county department of corrections to be pregnant or in
4 postpartum recovery, which is the entire period a woman is in
5 the medical facility after birth, unless the corrections
6 official makes an individualized determination that the
7 prisoner presents a substantial flight risk or some other
8 extraordinary circumstance that dictates security restraints
9 be used to ensure the safety and security of the prisoner, her
10 child or unborn child, the staff of the county department of
11 corrections or medical facility, other prisoners, or the
12 public. The protections set out in clauses (b) (3) and (b) (4) of
13 this Section shall apply to security restraints used pursuant
14 to this subsection. The corrections official shall immediately
15 remove all restraints upon the written or oral request of
16 medical personnel. Oral requests made by medical personnel
17 shall be verified in writing as promptly as reasonably
18 possible.

19 (1) Qualified authorized health staff shall have the
20 authority to order therapeutic restraints for a pregnant or
21 postpartum prisoner who is a danger to herself, her child,
22 unborn child, or other persons due to a psychiatric or
23 medical disorder. Therapeutic restraints may only be
24 initiated, monitored and discontinued by qualified and
25 authorized health staff and used to safely limit a
26 prisoner's mobility for psychiatric or medical reasons. No

1 order for therapeutic restraints shall be written unless
2 medical or mental health personnel, after personally
3 observing and examining the prisoner, are clinically
4 satisfied that the use of therapeutic restraints is
5 justified and permitted in accordance with hospital
6 policies and applicable State law. Metal handcuffs or
7 shackles are not considered therapeutic restraints.

8 (2) Whenever therapeutic restraints are used by
9 medical personnel, Section 2-108 of the Mental Health and
10 Developmental Disabilities Code shall apply.

11 (3) Leg irons, shackles or waist shackles shall not be
12 used on any pregnant or postpartum prisoner regardless of
13 security classification. Except for therapeutic restraints
14 under clause (b)(2), no restraints of any kind may be
15 applied to prisoners during labor.

16 (4) When a pregnant or postpartum prisoner must be
17 restrained, restraints used shall be the least restrictive
18 restraints possible to ensure the safety and security of
19 the prisoner, her child, unborn child, the staff of the
20 county department of corrections or medical facility,
21 other prisoners, or the public, and in no case shall
22 include leg irons, shackles or waist shackles.

23 (5) Upon the pregnant prisoner's entry into a hospital
24 room, and completion of initial room inspection, a
25 corrections official shall be posted immediately outside
26 the hospital room, unless requested to be in the room by

1 medical personnel attending to the prisoner's medical
2 needs.

3 (6) The county department of corrections shall provide
4 adequate corrections personnel to monitor the pregnant
5 prisoner during her transport to and from the hospital and
6 during her stay at the hospital.

7 (7) Where the county department of corrections
8 requires prisoner safety assessments, a corrections
9 official may enter the hospital room to conduct periodic
10 prisoner safety assessments, except during a medical
11 examination or the delivery process.

12 (8) Upon discharge from a medical facility, postpartum
13 prisoners shall be restrained only with handcuffs in front
14 of the body during transport to the county department of
15 corrections. A corrections official shall immediately
16 remove all security restraints upon written or oral request
17 by medical personnel. Oral requests made by medical
18 personnel shall be verified in writing as promptly as
19 reasonably possible.

20 (c) Enforcement. No later than 30 days before the end of
21 each fiscal year, the county sheriff or corrections official of
22 the correctional institution where a pregnant prisoner has been
23 restrained during that previous fiscal year, shall submit a
24 written report to the Illinois General Assembly and the Office
25 of the Governor that includes an account of every instance of
26 prisoner restraint pursuant to this Section. The written report

1 shall state the date, time, location and rationale for each
2 instance in which restraints are used. The written report shall
3 not contain any individually identifying information of any
4 prisoner. Such reports shall be made available for public
5 inspection.

6 ~~Notwithstanding any other statute, directive, or~~
7 ~~administrative regulation, when a pregnant female prisoner is~~
8 ~~brought to a hospital from a County Department of Corrections~~
9 ~~facility for the purpose of delivering her baby, no handcuffs,~~
10 ~~shackles, or restraints of any kind may be used during her~~
11 ~~transport to a medical facility for the purpose of delivering~~
12 ~~her baby. Under no circumstances may leg irons or shackles or~~
13 ~~waist shackles be used on any pregnant female prisoner who is~~
14 ~~in labor. Upon the pregnant female prisoner's entry to the~~
15 ~~hospital delivery room, a county correctional officer must be~~
16 ~~posted immediately outside the delivery room. The Sheriff must~~
17 ~~provide for adequate personnel to monitor the pregnant female~~
18 ~~prisoner during her transport to and from the hospital and~~
19 ~~during her stay at the hospital.~~

20 (Source: P.A. 91-253, eff. 1-1-00.)