

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-5735/1	Introduction Number SB-1013
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Description
 treatment of person in labor and postpartum person in prison and jail.

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 2/20/2024

LRB Number	23-5735/1	Introduction Number	SB-1013	Estimate Type	Original
Description treatment of person in labor and postpartum person in prison and jail.					

Assumptions Used in Arriving at Fiscal Estimate

STATE

This bill limits the use of physical restraints on people who are in labor and postpartum people who are in the custody of a correctional facility. Under the bill, a person in labor or a person who has given birth in the preceding three days may not be restrained unless there is a substantial flight risk or some other extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the person, the staff of the correctional or medical facility, other inmates, or the public; there has been an individualized determination that restraints are necessary to prevent escape or injury or ensure the safety and security of the person, the staff of the correctional or medical facility, other inmates, or the public; there is no objection to the use of restraints by the treating medical care provider; and any restraints used are the least restrictive possible under the circumstances.

In addition, the bill requires that every woman in the custody of a correctional facility be offered testing for pregnancy, and, if pregnant, be offered testing for sexually transmitted infections. The bill also requires the correctional facility where the pregnant or postpartum person is being confined to provide information related to pregnancy, labor, and the postpartum period, and to provide access to certain health services related to pregnancy, labor, and the postpartum period.

The Department of Corrections (DOC) is unable to estimate the state fiscal impact of this bill since the security and health needs of inmate patients are very individualized. However, the DOC has policies in line with many of the provisions of this bill, so the fiscal impact is anticipated to be minimal.

LOCAL

DOC administrative code requires jails to have policies and procedures for pregnancy management, but does not specify any additional criteria. Most county jails use private vendors for medical services, while a few instead use county-run services. These providers develop and maintain the medical policies and procedures used by a jail, which are subject to review by DOC's Office of Detention Facilities (ODF) for compliance with state statutes and rules. Given this variation between the counties, some jails may already have policies in place that are similar to the provisions of this bill, while others may need to change their policies in order to be compliant with this bill. The local fiscal impact is ultimately indeterminate because the costs may vary among the counties and municipalities, depending on the amount of change, if any, needed to be compliant with this bill.

Long-Range Fiscal Implications