



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2017 Senate Bill 393**

**Senate  
Amendments 1 and 2**

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### **2017 SENATE BILL 393**

2017 Senate Bill 393 places limits on restraining pregnant persons, persons in labor, and postpartum persons who are in the custody of a correctional facility.

With respect to pregnant persons, the bill provides that a representative of a correctional facility may not restrain a person known to be pregnant unless the representative makes an individualized determination that restraints are reasonably necessary for the safety and security needs of the person, correctional staff, or public. Any restraints used must be the least restrictive effective type and the most reasonable under the circumstance. The bill also prohibits a representative of a correctional facility from restraining a person known to be pregnant while the person is being transported if the restraint is through the use of leg irons, waist chains, or other devices that cross or otherwise touch the person's abdomen, or handcuffs or other devices that cross or otherwise touch the person's wrists when affixed behind the person's back.

With respect to persons in labor and postpartum persons, the bill provides that a representative of a correctional facility may restrain a person who is in labor or who has given birth in the preceding three days only if: (1) there is a substantial flight risk or some other extraordinary medical or security circumstance that requires restraints be used to ensure the safety and security of the person, the staff of the correctional or medical facility, other inmates, or the public; (2) the representative has made an individualized determination that restraints are necessary to prevent escape or injury; (3) there is no objection to the use of restraints by the treating medical care provider; and (4) the restraints used are the least restrictive effective type and are used in the least restrictive manner.

The bill also requires that a correctional facility shall ensure all pregnant or postpartum inmates be provided with certain testing, treatments, and educational resources. Among other

treatments, the bill requires that every pregnant person who is on a methadone treatment regimen be provided continuing methadone treatment.

### **SENATE AMENDMENT 1**

Senate Amendment 1 changes the requirement that every pregnant person who is on a methadone treatment regimen to a requirement that every pregnant person is on a medication-assisted treatment be provided continuing medication-assisted treatment.

### **SENATE AMENDMENT 2**

Senate Amendment 2 removes the provisions of the bill that are specific to restraining a pregnant person. The amendment retains the limitations on restraining a postpartum person and a person in labor. The amendment also specifies that the individualized determination a representative of a correctional facility must make to use restraints on a person in labor or postpartum person includes consideration of the safety and security of the person, the staff of the correctional or medical facility, other inmates, or the public.

### **BILL HISTORY**

Senate Amendments 1 and 2 were offered by Senators Taylor and Wanggaard on October 18, 2017. On October 24, 2017, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of both amendments and passage of the bill, as amended.

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