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SENATE BILL 423

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO JUVENILE AND ADULT CORRECTIONS; PROHIBITING THE USE OF RESTRAINTS ON CERTAIN PREGNANT WOMEN; PROVIDING EXCEPTIONS; REQUIRING FEMALE PERSONNEL TO SUPERVISE PREGNANT WOMEN DURING TRANSPORTATION TO AND FROM AND DURING THEIR STAY AT A MEDICAL FACILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. RESTRAINTS ON PREGNANT PRISONERS--FEMALE SUPERVISION.--

A. An adult or juvenile correctional facility, detention center or local jail shall not use handcuffs, waist shackles, leg irons or restraints of any kind at any time on an inmate who is in the second or third trimester of pregnancy, in labor, delivering her baby or recuperating from the delivery unless there are compelling grounds to believe that the inmate

underscoring material = new
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1 presents:

2 (1) an immediate and serious threat of harm to
3 herself, staff or others; or

4 (2) a substantial flight risk and cannot be
5 reasonably contained by other means.

6 B. If an inmate who is in labor or who is
7 delivering her baby is restrained, only the least restrictive
8 restraints necessary to ensure safety and security shall be
9 used.

10 C. Only female correctional officers or personnel
11 may supervise a pregnant inmate, or an inmate recuperating from
12 delivery, during her transportation to and from a medical
13 facility and during her stay at the medical facility.