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AN ACT
RELATING TO JUVENILE AND ADULT CORRECTIONS; PROHIBITING THE
USE OF RESTRAINTS ON CERTAIN PREGNANT WOMEN; PROVIDING
EXCEPTIONS.

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

Section 1. RESTRAINTS ON PREGNANT PRISONERS.--

A. An adult or juvenile correctional facility,
detention center or local jail shall use the least
restrictive restraints necessary when the facility has actual
or constructive knowledge that an inmate is in the second or
third trimester of pregnancy. No restraints of any kind
shall be used on an inmate who is in labor, delivering her
baby or recuperating from the delivery unless there are
compelling grounds to believe that the inmate presents:

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

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

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