

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE SAFE TREATMENT OF PREGNANT PERSONS IN CUSTODY.

Prime Sponsors: Senator Hudak
Representative Levy

JBC Analyst: Patrick Brodhead
Phone: 303-866-2061
Date Prepared: April 26, 2010

Summary of Amendments Made to the Bill After the 04/18/10 Legislative Council Staff Fiscal Note Was Prepared (Amended by the Senate Judiciary Committee 04/21/10)

The Senate Judiciary Committee Report makes the following changes to the bill:

- requires staff of a correctional facility or private contract prison to use the least restrictive restraints necessary to ensure safety if the staff have actual knowledge or reasonable belief that the inmate is pregnant, rather than only during the second or third trimester of pregnancy;
- clarifies that restraints shall not be used on a pregnant inmate during postpartum recovery while in a medical facility, not the entire postpartum recovery period;
- allows the restraint of a pregnant inmate if prison staff or medical staff determine that she is a threat to other patients, not just to herself or medical staff; and
- allows the restraint of a pregnant inmate if a designee of the warden determines the inmate poses a substantial risk of escape, rather than limiting this designation to the warden only.

These amendments do not affect the fiscal impact of the bill. Legislative Council Staff agrees with this assessment.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$22,140 General Fund and 1.0 FTE to the Department of Corrections in FY 2010-11.

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

The Joint Budget Committee has introduced a balanced budget package for FY 2010-11 based on the March 2010 Legislative Council Staff forecast. This bill requires a General Fund appropriation of \$22,140 for FY 2010-11, thereby decreasing the fiscal year-end General Fund reserve by \$22,140.