

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-1012.01 Brita Darling

SENATE BILL 10-193

SENATE SPONSORSHIP

Hudak,

HOUSE SPONSORSHIP

Levy,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE SAFE TREATMENT OF PREGNANT PERSONS IN
102 CUSTODY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)

The bill addresses the use of restraints on pregnant women in custody or confined in prisons, city and county jails, juvenile detention facilities, or department of human services facilities.

The bill requires that the least restrictive restraint necessary to ensure safety be used on a woman in her second or third trimester of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

pregnancy.

Staff shall not use restraints of any kind on a pregnant woman during labor and delivery of the child, postpartum recovery, or transport to or from a medical facility for childbirth unless medical staff determines that restraints are necessary for safe childbirth, the woman poses an immediate and serious risk of harm to herself or medical staff, or the woman poses a substantial risk of escape that cannot be reasonably reduced by another method. In any event, however, the staff will not use leg shackles or waist restraints. Staff shall make a record of any restraint used on a woman during labor or delivery, postpartum recovery, or transport to or from a medical facility for childbirth. Staff shall maintain the record for a minimum of 5 years and make it available to the public with personally identifying information removed.

The bill entitles a woman to have a member of the medical staff present at any strip search conducted upon the woman's return to confinement after childbirth.

Staff shall inform a pregnant woman of the provisions of the statute relating to the use of restraints and any post-childbirth strip search at the time of the initial intake or determination of the pregnancy, at the onset of labor, and upon return to confinement after childbirth.

The bill requires that staff receive adequate training concerning the provisions of the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of article 1 of title 17, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **17-1-113.7. Prohibition against the use of restraints on**
6 **pregnant inmates in correctional facilities and private contract**
7 **prisons.** (1) THE STAFF OF A CORRECTIONAL FACILITY OR PRIVATE
8 CONTRACT PRISON, WHEN RESTRAINING A FEMALE INMATE, SHALL USE THE
9 LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY IF THE
10 STAFF OF THE CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON
11 HAVE ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE INMATE
12 IS IN HER SECOND OR THIRD TRIMESTER OF PREGNANCY.

13 (2) (a) (I) STAFF OF A CORRECTIONAL FACILITY, PRIVATE

1 CONTRACT PRISON, OR MEDICAL FACILITY SHALL NOT USE RESTRAINTS OF
2 ANY KIND ON A PREGNANT INMATE DURING LABOR AND DELIVERY OF THE
3 CHILD, POSTPARTUM RECOVERY, OR TRANSPORT TO OR FROM A MEDICAL
4 FACILITY FOR CHILDBIRTH; EXCEPT THAT STAFF MAY USE RESTRAINTS IF:

5 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
6 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

7 (B) THE PRISON STAFF OR MEDICAL STAFF DETERMINE THAT THE
8 INMATE PRESENTS AN IMMEDIATE AND SERIOUS RISK OF HARM TO HERSELF
9 OR TO MEDICAL STAFF; OR

10 (C) THE WARDEN DETERMINES THAT THE INMATE POSES A
11 SUBSTANTIAL RISK OF ESCAPE THAT CANNOT REASONABLY BE REDUCED BY
12 THE USE OF OTHER EXISTING MEANS.

13 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
14 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
15 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON AN INMATE
16 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY, OR
17 TRANSPORT TO OR FROM A MEDICAL FACILITY FOR CHILDBIRTH.

18 (b) THE CORRECTIONAL FACILITY, PRIVATE CONTRACT PRISON, OR
19 MEDICAL FACILITY STAFF AUTHORIZING THE USE OF RESTRAINTS ON A
20 PREGNANT INMATE DURING LABOR OR DELIVERY OF THE CHILD,
21 POSTPARTUM RECOVERY, OR TRANSPORT TO OR FROM A MEDICAL FACILITY
22 FOR CHILDBIRTH SHALL MAKE A WRITTEN RECORD OF THE USE OF THE
23 RESTRAINTS, WHICH RECORD SHALL INCLUDE, AT A MINIMUM, THE TYPE OF
24 RESTRAINT USED, THE CIRCUMSTANCES THAT NECESSITATED THE USE OF
25 THE RESTRAINT, AND THE LENGTH OF TIME THE RESTRAINT WAS USED.
26 THE STAFF OF THE CORRECTIONAL FACILITY OR PRIVATE CONTRACT
27 PRISON SHALL RETAIN THE RECORD FOR A MINIMUM OF FIVE YEARS AND

1 SHALL MAKE THE RECORD AVAILABLE FOR PUBLIC INSPECTION WITH
2 INDIVIDUALLY IDENTIFYING INFORMATION REDACTED FROM THE RECORD
3 UNLESS THE INMATE WHO IS THE SUBJECT OF THE RECORD GIVES PRIOR
4 WRITTEN CONSENT FOR THE PUBLIC RELEASE OF THE RECORD. THE
5 WRITTEN RECORD OF THE USE OF RESTRAINT SHALL NOT CONSTITUTE A
6 MEDICAL RECORD UNDER STATE OR FEDERAL LAW.

7 (3) UPON RETURN TO A CORRECTIONAL FACILITY OR PRIVATE
8 CONTRACT PRISON AFTER CHILDBIRTH, THE INMATE SHALL BE ENTITLED TO
9 HAVE A MEMBER OF THE CORRECTIONAL FACILITY'S OR PRIVATE CONTRACT
10 PRISON'S MEDICAL STAFF PRESENT DURING ANY STRIP SEARCH TO ENSURE
11 THAT THE STRIP SEARCH IS CONDUCTED IN A MANNER THAT NEITHER
12 INCREASES THE INMATE'S RISK OF INFECTION NOR CAUSES THE INMATE
13 UNNECESSARY PAIN OR DISCOMFORT.

14 (4) THE STAFF OF A CORRECTIONAL FACILITY OR PRIVATE
15 CONTRACT PRISON SHALL INFORM A PREGNANT INMATE OF THE PROVISIONS
16 OF THIS SECTION CONCERNING THE USE OF RESTRAINTS AND THE PRESENCE
17 OF MEDICAL STAFF DURING A STRIP SEARCH, IN WRITING AND IN THE
18 INMATE'S PRIMARY LANGUAGE, DURING THE INTAKE PROCESS OR WHEN
19 THE PREGNANCY IS DETERMINED AND SHALL REMIND THE INMATE OF
20 THESE PROVISIONS, ORALLY, AT THE ONSET OF LABOR AND UPON THE
21 INMATE'S RETURN TO THE CORRECTIONAL FACILITY OR PRIVATE CONTRACT
22 PRISON.

23 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
24 CORRECTIONS SHALL ENSURE THAT THE STAFF OF THE DEPARTMENT OF
25 CORRECTIONS AND OF PRIVATE CONTRACT PRISONS RECEIVE ADEQUATE
26 TRAINING CONCERNING THE PROVISIONS OF THIS SECTION.

27 **SECTION 2.** Part 1 of article 26 of title 17, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **17-26-104.7. Prohibition against the use of restraints on**
4 **pregnant women in custody.** (1) THE STAFF OF A COUNTY JAIL, IN
5 RESTRAINING A WOMAN WHO IS COMMITTED, DETAINED, OR CONFINED TO
6 THE COUNTY JAIL, SHALL USE THE LEAST RESTRICTIVE RESTRAINTS
7 NECESSARY TO ENSURE SAFETY IF THE STAFF OF THE COUNTY JAIL HAVE
8 ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE WOMAN IS IN
9 HER SECOND OR THIRD TRIMESTER OF PREGNANCY.

10 (2) (a) (I) THE COUNTY JAIL STAFF OR MEDICAL FACILITY STAFF
11 SHALL NOT USE RESTRAINTS OF ANY KIND ON THE WOMAN DURING LABOR
12 AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY, OR TRANSPORT TO
13 OR FROM A MEDICAL FACILITY FOR CHILDBIRTH; EXCEPT THAT STAFF MAY
14 USE RESTRAINTS IF:

15 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
16 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

17 (B) THE COUNTY JAIL STAFF OR MEDICAL STAFF DETERMINE THAT
18 THE WOMAN PRESENTS AN IMMEDIATE AND SERIOUS RISK OF HARM TO
19 HERSELF OR TO MEDICAL STAFF; OR

20 (C) THE SHERIFF DETERMINES THAT THE WOMAN POSES A
21 SUBSTANTIAL RISK OF ESCAPE THAT CANNOT REASONABLY BE REDUCED BY
22 THE USE OF OTHER EXISTING MEANS.

23 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
24 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
25 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON A WOMAN
26 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY, OR
27 TRANSPORT TO OR FROM A MEDICAL FACILITY FOR CHILDBIRTH.

1 (b) THE COUNTY JAIL OR MEDICAL FACILITY STAFF AUTHORIZING
2 THE USE OF RESTRAINTS ON A PREGNANT WOMAN DURING LABOR OR
3 DELIVERY OF THE CHILD, POSTPARTUM RECOVERY, OR TRANSPORT TO OR
4 FROM A MEDICAL FACILITY FOR CHILDBIRTH SHALL MAKE A WRITTEN
5 RECORD OF THE USE OF THE RESTRAINTS, WHICH RECORD SHALL INCLUDE,
6 AT A MINIMUM, THE TYPE OF RESTRAINT USED, THE CIRCUMSTANCES THAT
7 NECESSITATED THE USE OF THE RESTRAINT, AND THE LENGTH OF TIME THE
8 RESTRAINT WAS USED. THE SHERIFF SHALL RETAIN THE RECORD FOR A
9 MINIMUM OF FIVE YEARS AND SHALL MAKE THE RECORD AVAILABLE FOR
10 PUBLIC INSPECTION WITH INDIVIDUALLY IDENTIFYING INFORMATION
11 REDACTED FROM THE RECORD UNLESS THE WOMAN WHO IS THE SUBJECT
12 OF THE RECORD GIVES PRIOR WRITTEN CONSENT FOR THE PUBLIC RELEASE
13 OF THE RECORD. THE WRITTEN RECORD OF THE USE OF RESTRAINT SHALL
14 NOT CONSTITUTE A MEDICAL RECORD UNDER STATE OR FEDERAL LAW.

15 (3) UPON RETURN TO A COUNTY JAIL AFTER CHILDBIRTH, THE
16 WOMAN SHALL BE ENTITLED TO HAVE A MEMBER OF THE COUNTY JAIL'S OR
17 COUNTY'S MEDICAL STAFF PRESENT DURING ANY STRIP SEARCH TO ENSURE
18 THAT THE STRIP SEARCH IS CONDUCTED IN A MANNER THAT NEITHER
19 INCREASES THE WOMAN'S RISK OF INFECTION NOR CAUSES THE WOMAN
20 UNNECESSARY PAIN OR DISCOMFORT.

21 (4) THE STAFF OF A COUNTY JAIL SHALL INFORM A PREGNANT
22 WOMAN COMMITTED, DETAINED, OR CONFINED IN A COUNTY JAIL OF THE
23 PROVISIONS OF THIS SECTION CONCERNING THE USE OF RESTRAINTS AND
24 THE PRESENCE OF MEDICAL STAFF DURING A STRIP SEARCH, IN WRITING
25 AND IN THE WOMAN'S PRIMARY LANGUAGE, DURING THE INTAKE PROCESS
26 OR UPON DETERMINATION OF THE PREGNANCY AND SHALL REMIND THE
27 WOMAN OF THESE PROVISIONS, ORALLY, AT THE ONSET OF LABOR AND

1 UPON THE WOMAN'S RETURN TO THE COUNTY JAIL.

2 (5) EACH SHERIFF SHALL ENSURE THAT STAFF OF THE COUNTY JAIL
3 RECEIVE ADEQUATE TRAINING CONCERNING THE PROVISIONS OF THIS
4 SECTION.

5 **SECTION 3.** Part 9 of article 2 of title 19, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **19-2-924.7. Juveniles committed to the department of human**
9 **services - prohibition against the use of restraints on pregnant**
10 **juveniles.** (1) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES, IN
11 RESTRAINING A FEMALE JUVENILE COMMITTED TO THE DEPARTMENT OF
12 HUMAN SERVICES OR DETAINED IN A JUVENILE FACILITY, SHALL USE THE
13 LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY IF THE
14 STAFF HAVE ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE
15 JUVENILE IS IN HER SECOND OR THIRD TRIMESTER OF PREGNANCY.

16 (2) (a) (I) STAFF OF THE DEPARTMENT OF HUMAN SERVICES OR
17 MEDICAL FACILITY STAFF SHALL NOT USE RESTRAINTS OF ANY KIND ON A
18 PREGNANT JUVENILE DURING LABOR AND DELIVERY OF THE CHILD,
19 POSTPARTUM RECOVERY, OR TRANSPORT TO OR FROM A MEDICAL FACILITY
20 FOR CHILDBIRTH; EXCEPT THAT STAFF MAY USE RESTRAINTS IF:

21 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
22 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

23 (B) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES OR
24 MEDICAL STAFF DETERMINE THAT THE JUVENILE PRESENTS AN IMMEDIATE
25 AND SERIOUS RISK OF HARM TO HERSELF OR TO MEDICAL STAFF; OR

26 (C) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES
27 DETERMINE THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF ESCAPE

1 THAT CANNOT REASONABLY BE REDUCED BY THE USE OF OTHER EXISTING
2 MEANS.

3 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
4 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
5 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON A JUVENILE
6 DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM RECOVERY, OR
7 TRANSPORT TO OR FROM A MEDICAL FACILITY FOR CHILDBIRTH.

8 (b) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES OR
9 MEDICAL FACILITY AUTHORIZING THE USE OF RESTRAINTS ON A PREGNANT
10 JUVENILE DURING LABOR OR DELIVERY OF THE CHILD, POSTPARTUM
11 RECOVERY, OR TRANSPORT TO OR FROM A MEDICAL FACILITY FOR
12 CHILDBIRTH SHALL MAKE A WRITTEN RECORD OF THE USE OF RESTRAINTS,
13 WHICH RECORD SHALL INCLUDE, AT A MINIMUM, THE TYPE OF RESTRAINT
14 USED, THE CIRCUMSTANCES THAT NECESSITATED THE USE OF THE
15 RESTRAINT, AND THE LENGTH OF TIME THE RESTRAINT WAS USED. THE
16 DEPARTMENT OF HUMAN SERVICES STAFF SHALL RETAIN THE RECORD FOR
17 A MINIMUM OF FIVE YEARS AND SHALL MAKE THE RECORD AVAILABLE FOR
18 PUBLIC INSPECTION WITH INDIVIDUALLY IDENTIFYING INFORMATION
19 REDACTED FROM THE RECORD UNLESS THE JUVENILE WHO IS THE SUBJECT
20 OF THE RECORD GIVES PRIOR WRITTEN CONSENT FOR THE PUBLIC RELEASE
21 OF THE RECORD. THE WRITTEN RECORD OF THE USE OF RESTRAINT SHALL
22 NOT CONSTITUTE A MEDICAL RECORD UNDER STATE OR FEDERAL LAW.

23 (3) UPON RETURN TO A DEPARTMENT OF HUMAN SERVICES
24 FACILITY AFTER CHILDBIRTH, THE JUVENILE SHALL BE ENTITLED TO HAVE
25 A MEMBER OF THE DEPARTMENT OF HUMAN SERVICES' MEDICAL STAFF
26 PRESENT DURING ANY STRIP SEARCH TO ENSURE THAT THE STRIP SEARCH
27 IS CONDUCTED IN A MANNER THAT NEITHER INCREASES THE JUVENILE'S

1 RISK OF INFECTION NOR CAUSES THE JUVENILE ANY UNNECESSARY PAIN OR
2 DISCOMFORT.

3 (4) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES SHALL
4 INFORM A PREGNANT JUVENILE COMMITTED TO THE DEPARTMENT OF
5 HUMAN SERVICES OF THE PROVISIONS OF THIS SECTION CONCERNING THE
6 USE OF RESTRAINTS AND THE PRESENCE OF MEDICAL STAFF DURING A STRIP
7 SEARCH, IN WRITING AND IN THE JUVENILE'S PRIMARY LANGUAGE, DURING
8 THE INTAKE PROCESS OR UPON DETERMINATION OF THE PREGNANCY AND
9 SHALL REMIND THE JUVENILE OF THESE PROVISIONS, ORALLY, AT THE
10 ONSET OF LABOR AND UPON THE JUVENILE'S RETURN TO THE COUNTY JAIL.

11 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
12 SERVICES SHALL ENSURE THAT THE STAFF OF THE DEPARTMENT OF HUMAN
13 SERVICES RECEIVE ADEQUATE TRAINING CONCERNING THE PROVISIONS OF
14 THIS SECTION.

15 **SECTION 4.** Part 1 of article 1 of title 26, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18 **26-1-137. Persons committed to or placed in a department of**
19 **human services facility - prohibition against the use of restraints on**
20 **pregnant women.** (1) AS USED IN THIS SECTION, "FACILITY STAFF"
21 MEANS THE STAFF OF A STATE DEPARTMENT FACILITY OR FACILITY
22 SUPERVISED BY THE EXECUTIVE DIRECTOR.

23 (2) FACILITY STAFF, IN RESTRAINING A WOMAN WHO IS COMMITTED
24 TO OR PLACED PURSUANT TO THIS TITLE OR TITLE 27, C.R.S., IN A STATE
25 DEPARTMENT FACILITY OR A FACILITY SUPERVISED BY THE EXECUTIVE
26 DIRECTOR, SHALL USE THE LEAST RESTRICTIVE RESTRAINT NECESSARY TO
27 ENSURE SAFETY IF THE FACILITY STAFF HAVE ACTUAL KNOWLEDGE OR A

1 REASONABLE BELIEF THAT THE WOMAN IS IN HER SECOND OR THIRD
2 TRIMESTER OF PREGNANCY.

3 (3) (a) (I) FACILITY STAFF OR MEDICAL STAFF SHALL NOT USE
4 RESTRAINTS OF ANY KIND ON A PREGNANT WOMAN DURING LABOR AND
5 DELIVERY OF THE CHILD, POSTPARTUM RECOVERY, OR TRANSPORT TO OR
6 FROM A MEDICAL FACILITY FOR CHILDBIRTH; EXCEPT THAT STAFF MAY USE
7 RESTRAINTS IF:

8 (A) THE MEDICAL STAFF DETERMINE THAT RESTRAINTS ARE
9 MEDICALLY NECESSARY FOR SAFE CHILDBIRTH;

10 (B) THE FACILITY STAFF OR MEDICAL STAFF DETERMINE THAT THE
11 WOMAN PRESENTS AN IMMEDIATE AND SERIOUS RISK OF HARM TO HERSELF
12 OR TO MEDICAL STAFF; OR

13 (C) THE FACILITY STAFF DETERMINE THAT THE WOMAN POSES A
14 SUBSTANTIAL RISK OF ESCAPE THAT CANNOT REASONABLY BE REDUCED BY
15 THE USE OF OTHER EXISTING MEANS.

16 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
17 THIS PARAGRAPH (a) TO THE CONTRARY, UNDER NO CIRCUMSTANCES
18 SHALL STAFF USE LEG SHACKLES OR WAIST RESTRAINTS ON A PREGNANT
19 WOMAN DURING LABOR AND DELIVERY OF THE CHILD, POSTPARTUM
20 RECOVERY, OR TRANSPORT TO OR FROM A MEDICAL FACILITY FOR
21 CHILDBIRTH.

22 (b) THE FACILITY OR MEDICAL STAFF AUTHORIZING THE USE OF
23 RESTRAINTS ON A PREGNANT WOMAN DURING LABOR OR DELIVERY OF THE
24 CHILD, POSTPARTUM RECOVERY, OR TRANSPORT TO OR FROM A MEDICAL
25 FACILITY FOR CHILDBIRTH SHALL MAKE A WRITTEN RECORD OF THE USE OF
26 RESTRAINTS, WHICH RECORD SHALL INCLUDE, AT A MINIMUM, THE TYPE OF
27 RESTRAINT USED, THE CIRCUMSTANCES THAT NECESSITATED THE USE OF

1 THE RESTRAINT, AND THE LENGTH OF TIME THE RESTRAINT WAS USED.
2 THE STATE DEPARTMENT SHALL RETAIN THE RECORD FOR A MINIMUM OF
3 FIVE YEARS AND SHALL MAKE THE RECORD AVAILABLE FOR PUBLIC
4 INSPECTION WITH INDIVIDUALLY IDENTIFYING INFORMATION REDACTED
5 FROM THE RECORD UNLESS THE WOMAN WHO IS THE SUBJECT OF THE
6 RECORD GIVES PRIOR WRITTEN CONSENT FOR THE PUBLIC RELEASE OF THE
7 RECORD. THE WRITTEN RECORD OF THE USE OF RESTRAINT SHALL NOT
8 CONSTITUTE A MEDICAL RECORD UNDER STATE OR FEDERAL LAW.

9 (4) AFTER CHILDBIRTH AND UPON RETURN TO A STATE
10 DEPARTMENT FACILITY OR A FACILITY SUPERVISED BY THE EXECUTIVE
11 DIRECTOR, THE WOMAN SHALL BE ENTITLED TO HAVE A MEMBER OF THE
12 STATE DEPARTMENT'S MEDICAL STAFF PRESENT DURING ANY STRIP SEARCH
13 TO ENSURE THAT THE STRIP SEARCH IS CONDUCTED IN A MANNER THAT
14 NEITHER INCREASES THE WOMAN'S RISK OF INFECTION NOR CAUSES THE
15 WOMAN ANY UNNECESSARY PAIN OR DISCOMFORT.

16 (5) THE FACILITY STAFF SHALL INFORM A PREGNANT WOMAN
17 COMMITTED TO OR PLACED IN A STATE DEPARTMENT FACILITY OR A
18 FACILITY SUPERVISED BY THE EXECUTIVE DIRECTOR OF THE PROVISIONS OF
19 THIS SECTION CONCERNING THE USE OF RESTRAINTS AND THE PRESENCE OF
20 MEDICAL STAFF DURING A STRIP SEARCH, IN WRITING AND IN THE WOMAN'S
21 PRIMARY LANGUAGE, DURING THE INTAKE PROCESS OR UPON
22 DETERMINATION OF THE PREGNANCY AND SHALL REMIND THE WOMAN OF
23 THESE PROVISIONS, ORALLY, AT THE ONSET OF LABOR AND UPON RETURN
24 TO THE STATE DEPARTMENT OR STATE-DEPARTMENT-SUPERVISED
25 FACILITY.

26 (6) THE EXECUTIVE DIRECTOR SHALL ENSURE THAT FACILITY
27 STAFF RECEIVE ADEQUATE TRAINING CONCERNING THE PROVISIONS OF

1 THIS SECTION.

2 **SECTION 5.** Part 4 of article 15 of title 31, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **31-15-403. Prohibition against the use of restraints on**
6 **pregnant women in custody.** A MUNICIPALITY THAT CHOOSES TO
7 ESTABLISH AND OPERATE A JAIL, AS AUTHORIZED IN SECTION 31-15-401
8 (1) (j), SHALL COMPLY WITH THE PROVISIONS OF SECTION 17-26-106.5,
9 C.R.S., CONCERNING THE USE OF RESTRAINTS ON PREGNANT WOMEN IN
10 CUSTODY.

11 **SECTION 6. Act subject to petition - specified effective date.**
12 This act shall take effect January 1, 2011; except that, if a referendum
13 petition is filed pursuant to section 1 (3) of article V of the state
14 constitution against this act or an item, section, or part of this act within
15 the ninety-day period after final adjournment of the general assembly,
16 then the act, item, section, or part shall not take effect unless approved by
17 the people at the general election to be held in November 2010 and shall
18 take effect on January 1, 2011, or on the date of the official declaration
19 of the vote thereon by the governor, whichever is later.