



**2018 New York State YMCA  
Youth And Government**

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FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY**

Committee Assignment: Senate 3

Bill #: S-18

1 **Sponsors:** Olivia Caines, Taylor Cicoria, Marchella Leone, Zack Swab

2  
3 **An Act To** Amend New York Consolidated Laws, Correction Law COR § 611 to  
4 remove all restraints on Women in custody during labor.

5  
6 ***The People of the State of New York, represented in the Senate and***  
7 ***Assembly do enact as follows:***  
8

9 **Purpose**

10 This bill will allow for women in custody to be free of all restraints no matter the  
11 circumstances during labor.

12 **Summary of Provisions**

13 **Section 1: Definitions**

14 **Restraints:** shall be limited to wrist restraints in front of the body including wrist  
15 and ankle restraints.

16 **Shackling:** The use of restraints to restrict the motion and control of an inmate.

17 **Section 2:Provisions**

18 No restraints of any kind shall be used during transport of such woman, a woman  
19 who is known to be pregnant by correctional personnel or personnel providing  
20 medical services to the institution or local correctional facility, or a woman within  
21 eight weeks after delivery or pregnancy outcome, absent extraordinary  
22 circumstances in which:

23 ~~i. the superintendent or sheriff or his or her designee in consultation with the~~  
24 ~~medical professional responsible for the institution has made an individualized~~  
25 ~~determination that restraints are necessary to prevent such woman from injuring~~  
26 ~~herself or medical or correctional personnel or others and cannot reasonably be~~  
27 ~~restrained by other means, including the use of additional personnel;—or~~

28 ~~ii. the correctional personnel directly responsible for the transport of such a~~  
29 ~~woman determine that an emergency has arisen in which restraints are necessary~~  
30 ~~because the woman poses an immediate risk of serious injury to herself or medical~~  
31 ~~or correctional personnel or others and cannot reasonably be restrained by other~~  
32 ~~means.~~

33 ~~(b) If a determination has been made pursuant to subparagraph i or ii of paragraph~~  
34 ~~(a) of this subdivision that extraordinary circumstances exist then restraints shall~~  
35 ~~be limited to wrist restraints in front of the body. The superintendent or sheriff or~~  
36 ~~his or her designee pursuant to subparagraph i of paragraph (a) of this subdivision~~  
37 ~~or correctional personnel pursuant to subparagraph ii of paragraph (a) of this~~  
38 ~~subdivision shall document in writing the facts upon which the finding of~~  
39 ~~extraordinary circumstances were based within five days of the use of such~~  
40 ~~restraints and shall also document the type of restraints used and the length of~~  
41 ~~time such restraints were used.~~

42 (c) No restraints of any kind shall be used when such woman is in labor, admitted  
43 to a hospital, institution or clinic for delivery, or recovering after giving birth. Any



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44 such personnel as may be necessary to supervise the woman during transport to  
45 and from and during her stay at the hospital, institution or clinic shall be provided  
46 to ensure adequate care, custody and control of the woman, except that no  
47 correctional staff shall be present in the delivery room during the birth of a baby  
48 unless requested by the medical staff supervising such delivery or by the woman  
49 giving birth. The superintendent or sheriff or his or her designee shall cause such  
50 woman to be subject to return to such institution or local correctional facility as  
51 soon after the birth of her child as the state of her health will permit as determined  
52 by the medical professional responsible for the care of such woman.

53

54 **Justification**

55 14% of women in custody makeup the population of violent offenders. Many of the  
56 women are shackled because of the fear of violence when majority of the women  
57 aren't in jail for violent offenses. This bill is crucial to wellbeing of woman's health,  
58 safety and natural rights. More than 17% of the jails required that women be  
59 handcuffed or shackled during and after delivery, and more than half of them  
60 restrained women immediately after delivery. Labor is a traumatic experience not  
61 only for the mother but additionally the child. No woman should ever be shackled  
62 when delivering a baby.

63

64 **Fiscal Implications**

65 The only fiscal implication would be an extra security if needed in place of the  
66 restraints. The cost of this is estimated to be \$28.97 an hour for a police officer and  
67 \$21.00 an hour for a correctional officer.

68

69 **Effective Date**

70 This bill will go into effect immediately after passage.