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**Youth And Government**

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FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 4

Bill #: S-28

1 **Sponsors:** Daisy-Ann Norman, Courtney Mapp, and Dejanae Carter-Montaque

2 **An Act To** Amend the correction law § 611 to include the ability of a pregnant  
3 woman who is in jail at least 1 family member in the delivery room when they go  
4 into labor.

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

6 **Purpose** To allow at least one family member is in the delivery room of a pregnant  
7 woman to allow support for the delivery of their baby.

8 **Summary of Provisions**

9 Section 1: Definitions

10 Labor: the process of childbirth, especially the period from the start of uterine  
11 contractions to delivery.

12 Incarcerated: imprison

13 Shackled: chained

14 Section 2

15 (13) No restraints of any kind shall be used when such woman is in labor, admitted  
16 to a hospital, institution or clinic for delivery, or recovering after giving birth. Any  
17 such personnel as may be necessary to supervise the woman during transport to and  
18 from and during her stay at the hospital, institution or clinic shall be provided to  
19 ensure adequate care, custody, and control of the woman. At least one family  
20 member should be present in the delivery room of the incarcerated pregnant woman  
21 to allow for emotional support and smooth delivery of the baby.

22 **Justification** The United States has the highest incarceration rate of women in the  
23 world, with over 205,000 women currently behind bars in either state and federal  
24 prisons or jails and another million on probation or parole. Between 5 and 10 percent  
25 of women enter prison and jail pregnant, and approximately 2,000 babies are born  
26 to incarcerated women annually. All women, regardless of incarceration status,  
27 deserve to have a safe, healthy, and dignified pregnancy and delivery, which  
28 necessarily entails freedom from medically unsafe and dehumanizing restraints.  
29 Many incarcerated mothers and newborns are separated after delivery. The least  
30 emotional support that New York State can allow for pregnant women is to allow for  
31 at least one family member in the delivery room of the child because women already  
32 go through traumatizing experiences after separated from their child. The  
33 combination of being separated from their babies, the severe isolation, and the poor  
34 physical care during the pregnancy and postpartum periods place new mothers at an  
35 increased risk for mental disorders following birth, including postpartum depression  
36 and postpartum psychosis. Hence, to lower such risk at least a family member  
37 should be present for the birth of the child.

38 **Fiscal Implications** There will be no fiscal implications with the introduction of this bill.

39 **Effective Date** This bill will be effective 1 year after passage.