

**South Carolina General Assembly**  
123rd Session, 2019-2020

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**Bill 3967**

~~Indicates Matter Stricken~~

Indicates New Matter

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

AMENDED

March 4, 2020

**H. 3967**

Introduced by Reps. Mace, Trantham, Kimmons, Crawford, Henderson-Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb-Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Simmons, G.R. Smith, Garvin, Rose, B. Cox, Caskey, Moore and Hill

S. Printed 3/4/20--S. [SEC 3/5/20 3:47 PM]

Read the first time April 10, 2019.

**A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-35 SO AS TO PROVIDE METHODS OF RESTRAINING INMATES WITH A CLINICAL DIAGNOSIS OF PREGNANCY OR IN POSTPARTUM RECUPERATION.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 13, Title 24 of the 1976 Code is amended by adding:

"Section 24-13-35. (A) Notwithstanding another provision of law, a person officially charged with safekeeping of inmates, whether the inmates are awaiting trial or have been sentenced and confined in a state correctional facility, local detention facility, or prison camp or work camp shall not restrain by leg, waist, or ankle restraints an inmate with a clinical diagnosis of pregnancy.

(B) Wrist restraints may be used during any internal escort or external transport. The wrist restraints shall only be applied in the front and in a way that the pregnant inmate may be able to protect herself and the fetus in the event of a fall. This provision also applies to inmates not in labor or suspected labor who are escorted out for Ultrasound Addiction Therapy for Pregnant Women or other routine services. The director of the facility must be notified anytime an inmate is transported externally for delivery.

(C) The following inmates must not be placed in any restraints, including wrist restraints, unless there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff, or others, including her fetus or child, or that she presents an immediate, credible risk of escape that cannot be reasonably contained through other methods:

- (1) an inmate who is in labor, which is defined as occurring at the onset of contractions;
- (2) an inmate who is delivering her baby;
- (3) an inmate who is identified by medical staff as in postpartum recuperation;
- (4) an inmate who is transported or housed in an outside medical facility for treating labor and delivery;
- (5) an inmate for induction once the intravenous line has been placed and the induction medication has been started;
- (6) an inmate who is being transported from the holding room to the operating room for C-section; or
- (7) an inmate during initial bonding with a newborn child, including nursing and skin-to-skin contact. If restraints are required, they should allow for the mother's safe handling of her infant.

(D) When the use of restraints during labor occurs, officers must immediately notify the director of the facility of the reasons why restraints were applied and an incident report must be completed.

(E) Upon medical discharge, wrist restraints must be applied for transport back to the facility. Leg restraints may be applied when there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff, or others, or that she presents an immediate, credible risk of escape that cannot be reasonably contained through other methods.

(F) Waist restraints shall not be used at any time during pregnancy or postdelivery, to include transport back to the facility.

(G) If a state correctional facility, local detention facility, prison camp or work camp, or the employees of these facilities are unaware that an inmate is either pregnant or has been clinically diagnosed as pregnant, then neither the facility or its employees are legally liable or responsible for any loss or damage suffered by the inmate under this section.

(H) Correctional facility, local detention facility, and prison or work camp employees, other than certified healthcare professionals, must not conduct invasive body cavity searches of known pregnant inmates unless there is a reasonable belief the inmate is concealing contraband.

(I) Correctional facilities, local detention facilities, and prison or work camps must ensure known pregnant inmates are provided sufficient food and dietary supplements as ordered by a physician, physician staff member, or a facility nutritionist to meet generally accepted prenatal nutritional guidelines.

(J) Correctional facilities, local detention facilities, and prison or work camps must not place a known pregnant inmate, or any female inmate who has given birth within the previous thirty days, in restrictive housing unless there is a reasonable belief the inmate will harm herself, the fetus, or another person, or pose a substantial flight risk. This subsection does not apply if protective custody is requested by a known pregnant inmate or any female inmate who has given birth within the previous thirty days.

(K) Correctional facilities, local detention facilities, and prison or work camps must not assign a known pregnant inmate to any bed that is elevated more than three feet from the facility's floor.

(L) Correctional facilities, local detention facilities, and prison or work camps must ensure that sufficient menstrual hygiene products are available at each facility for all women under their care who have an active

menstrual cycle. Indigent inmates must be provided the hygiene products at no cost.

(M) Correctional facilities, local detention facilities, and prison or work camps must limit, when practical, bodily inspections of a female inmate by male officers when the female inmate is naked or only partially clothed.

(N) To the extent practicable, the Department of Corrections must authorize minor dependents to visit inmates with low or minimum-security classifications at least once per week, and authorize contact visits for these inmates with the minor dependents."

SECTION 2. This act takes effect upon approval by the Governor.

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