

**SENATE . . . . . No. 1125**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Cynthia S. Creem*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to restraint of pregnant inmates.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*Cynthia S. Creem*

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*First Middlesex and Norfolk*

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*William N. Brownsberger*

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*Second Suffolk and Middlesex*

**SENATE . . . . . No. 1125**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1125) of Cynthia S. Creem and William N. Brownsberger for legislation relative to restraint of pregnant inmates. Public Safety and Homeland Security.

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The Commonwealth of Massachusetts

An Act relative to restraint of pregnant inmates.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 118 of chapter 127 of the General Laws, as appearing in the 2010 Official  
2 Edition, is hereby amended by inserting at the end thereof the following:—

3 Pregnant and postpartum inmates shall be transported to and from visits to medical  
4 providers and court proceedings in a car with seatbelts. Except in extraordinary circumstances,  
5 no restraints of any kind may be used on any pregnant inmates during transportation to and from  
6 visits to medical providers and court proceedings beyond the first trimester of her pregnancy, or  
7 during postpartum recovery. For purposes of this section, “extraordinary circumstances” exist  
8 where a corrections officer makes an individualized determination that restraints are necessary to  
9 prevent a pregnant inmate from escaping, or from injuring herself, medical or correctional  
10 personnel, or others. In the event the corrections officer determines that extraordinary  
11 circumstances exist and restraints are used, the corrections officer must fully document in writing  
12 the reasons that he or she determined such extraordinary circumstances existed such that  
13 restraints were used. As part of this documentation, the corrections officer must also include the  
14 kind of restraints used and the reasons those restraints were considered the least restrictive  
15 available and the most reasonable under the circumstances.

16 While the pregnant inmate is in labor or in childbirth, no restraints of any kind may be  
17 used. Nothing in this section affects the use of hospital restraints requested for the medical  
18 safety of a patient by treating physicians.

19 Any time restraints are permitted to be used on a pregnant inmate, the restraints must be  
20 the least restrictive available and the most reasonable under the circumstances, but in no case  
21 shall leg or waist restraints be used on any pregnant or postpartum inmate.

22           If the doctor, nurse, or other health professional treating the pregnant inmate requests that  
23 restraints not be used, the corrections officer accompanying the pregnant inmate shall  
24 immediately remove all restraints.