

House Bill 653

By: Representatives Benfield of the 85th, Bell of the 58th, Henson of the 87th, Morgan of the 39th, and Drenner of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating
2 to inmate policies and penal institutions, so as to prohibit the use of restraints on pregnant
3 female inmates under certain circumstances; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
8 inmate policies and penal institutions, is amended by adding a new Code section to read as
9 follows:

10 "42-1-11.2.

11 (a) For purposes of this Code section 'inmate' means any pregnant female who is
12 incarcerated in a place of confinement for persons accused of or convicted of violating a
13 law of this state or an ordinance of a political subdivision of this state.

14 (b) The use of individual mechanical restraints, including handcuffs and shackles, on an
15 inmate during such time that she is experiencing labor or during delivery or postdelivery
16 recovery shall be prohibited unless there is a reasonable basis to believe that the use of
17 restraints is necessary to prevent such inmate from injuring herself or others."

18 SECTION 2.

19 All laws and parts of laws in conflict with this Act are repealed.