

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

BILL NO.

Senate Bill 1074

PRINTER'S NO.

1768

AMOUNT

Minimal Fiscal Impact

FUND

General Fund

DATE INTRODUCED

September 2, 2009

PRIME SPONSOR

Senator Leach

HISTORY OF BILLReferred to JUDICIARY, Sept. 2, 2009Reported as amended, Jan. 26, 2010

First consideration, Jan. 26, 2010

Second consideration, March 8, 2010

Re-referred to APPROPRIATIONS, March 8, 2010Re-reported as amended, March 15, 2010**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 1074 amends Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes by adding three sections relating to the application of restraints to pregnant prisoners or detainees and the reporting of such applications to the Pennsylvania Department of Corrections (department).

Specifically, §1104 requires all incidents where restraints are applied to a pregnant prisoner or detainee to be reported, in writing, to the department. §1758 applies to county prisons. This section states that if restraints are used on a pregnant prisoner or detainee by a county prison, it shall be considered an "extraordinary occurrence" that must be reported to the department in the County Extraordinary Occurrence Monthly Report. Finally, §5905, entitled "Healthy Birth for Incarcerated Women" outlines the duties and responsibilities of correctional institutions as they pertain to the monitoring of and the transporting of pregnant prisoners to and from the hospital. Additionally, this section requires the following:

- that a correctional institution shall not apply restraints to pregnant prisoners or detainees known to be pregnant during any stage of labor, pregnancy related medical distress, any period of delivery, any period of postpartum, or during transport to a medical facility in connection with those conditions, although it permits reasonable restraint of pregnant prisoners or detainees

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

where there is a determination that the prisoner or detainee is an imminent flight risk; or it is necessary to ensure the safety and security of the prisoner or detainee, the staff of the correctional or medical facility, other prisoners or detainees, or the public;

- that restrained pregnant prisoners or detainees shall never be left unattended by a correctional officer with the ability to release said restraints;
- the use of least restrictive restraints when the prisoner or detainee is in her second or third trimester of pregnancy;
- the restraints be removed at the request of a doctor, nurse or other healthcare professional;
- prohibits the use of leg or waist restraints on a prisoner or detainee who is in labor;
- the submission of an annual report to the Governor's Office on the use of restraints on pregnant prisoners and detainees. Such reports shall not contain any identifying information of any prisoner or detainee and must be posted on the Governor's internet website and also be available for public inspection at the office of the department.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Department of Corrections, the provisions of this legislation are contained within department policies and would only pertain to an annual average of 30 prisoners or detainees. Furthermore, there would be a minimal number of instances that would be required to be reported to the department by county prisons in the County Extraordinary Occurrence Monthly Reports, which are already submitted to the department on a monthly basis.

There may be some minimal costs in the development of a reporting system in which the Governor's Office would utilize in the posting, on the internet, of such annual reports submitted by the department.

Therefore, it is determined that the enactment of this legislation would have a minimal fiscal impact on Commonwealth funds.