AN ACT RESTRICTING THE USE OF RESTRAINTS ON PREGNANT INMATES; PROVIDING THAT RESTRAINTS MAY NOT BE USED ON A PREGNANT INMATE DURING LABOR AND DELIVERY EXCEPT IN EXTRAORDINARY CIRCUMSTANCES; AND PROVIDING A DEFINITION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Use of restraints on pregnant inmates restricted -- extraordinary circumstances -- definition. (1) Restraints may not be used on an inmate known to be pregnant during labor and delivery, except as provided in subsection (2).

(2) (a) Except as provided in subsection (2)(b), restraints may be used on a pregnant inmate during labor and delivery in extraordinary circumstances in which the detention center makes an individualized determination that:

(i) the inmate is an established flight risk; or

(ii) there is a clear threat that the inmate could harm themself or others.

(b) Leg or waist restraints may not be used on a pregnant inmate during any stage of labor and delivery under any circumstances.

(c) Both the type of restraint applied and the application of the restraint must be done in the least restrictive manner necessary.

(d) Restraints must be removed under the following circumstances:

(i) when the flight risk or threat to harm has been mitigated; or

(ii) at the request of a doctor, nurse, or other health care professional treating the inmate during labor and delivery.

(3) For the purposes of this section, "restraints" means handcuffs, leg shackles, leg irons, belly belts, belly chains, or other restraint devices used to restrict free movement of limbs or appendages, including

restraints made of cloth and leather.

Section 2. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 7, chapter 32, part 22, and the provisions of Title 7, chapter 32, part 22, apply to [section 1].

- END -

I hereby certify that the within bill,

HB 475, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____day

of_____, 2025.

_____

President of the Senate

Signed this _____day
of_____, 2025.

HOUSE BILL NO. 475

INTRODUCED BY J. REAVIS, L. DEMING, E. BOLDMAN

AN ACT RESTRICTING THE USE OF RESTRAINTS ON PREGNANT INMATES; PROVIDING THAT RESTRAINTS MAY NOT BE USED ON A PREGNANT INMATE DURING LABOR AND DELIVERY EXCEPT IN EXTRAORDINARY CIRCUMSTANCES; AND PROVIDING A DEFINITION.