

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Herod

1 Amend the Judiciary Committee Report, dated April 23, 2024, page 1,
2 strike lines 1 through 13 and substitute:

3 "Amend printed bill, page 2, strike line 3 and substitute "(1); and **repeal**
4 (2)(a) as follows:".

5 Page 2 of the bill, strike lines 10 through 20 and substitute "~~or a~~
6 ~~reasonable belief that the inmate is pregnant. The requirement that staff~~
7 ~~use the least restrictive restraints necessary to ensure safety shall continue~~
8 ~~during postpartum recovery and transport to or from a correctional facility~~
9 ~~and private contract prison~~ FOR THE USE OF RESTRAINTS DURING LABOR,
10 DELIVERY, AND POSTPARTUM RECOVERY, THE STAFF SHALL COMPLY WITH
11 THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION
12 ACT", ARTICLE 20 OF TITLE 26.

13 (2) (a) ~~(f) Staff of a correctional facility, private contract prison,~~
14 ~~or medical facility shall not use restraints of any kind on a pregnant~~
15 ~~inmate during labor and delivery of the child; except that staff may use~~
16 ~~restraints if:".~~

17 Page 3 of the bill, strike lines 12 through 15.

18 Page 3 of the bill, strike line 17 and substitute "(1); and **repeal** (2)(a) as
19 follows:".

20 Page 3 of the bill, strike lines 23 through 27.

21 Page 4 of the bill, strike lines 1 through 5 and substitute "~~belief that the~~
22 ~~woman is pregnant. The requirement that staff use the least restrictive~~
23 ~~restraints necessary to ensure safety shall continue during postpartum~~
24 ~~recovery and transport to or from the county jail~~ FOR THE USE OF
25 RESTRAINTS DURING LABOR, DELIVERY, AND POSTPARTUM RECOVERY, THE
26 STAFF SHALL COMPLY WITH THE "PROTECTION OF INDIVIDUALS FROM
27 RESTRAINT AND SECLUSION ACT", ARTICLE 20 OF TITLE 26.

28 (2) (a) ~~(f) The county jail staff or medical facility staff shall not~~
29 ~~use restraints of any kind on the woman during labor and delivery of the~~
30 ~~child; except that staff may use restraints if:".~~

31 Page 4 of the bill, strike lines 19 through 22.

32 Page 6 of the bill, after line 17 insert:

1 **"SECTION 7.** In Colorado Revised Statutes, 26-20-102, **amend**
2 (1)(b)(I); and **add** (1)(a)(VII) as follows:
3 **26-20-102. Definitions.** As used in this article 20, unless the
4 context otherwise requires:
5 (1) (a) "Agency" means:
6 (VII) A COUNTY JAIL, AS DESCRIBED IN SECTION 17-26-101, FOR
7 RESTRAINTS ON A PREGNANT PERSON IN LABOR, DELIVERY, OR
8 POSTPARTUM RECOVERY.
9 (b) "Agency" does not include:
10 (I) The department of corrections or any public or private entity
11 that has entered into a contract for services with such department, EXCEPT
12 FOR RESTRAINTS ON A PREGNANT PERSON IN LABOR, DELIVERY, OR
13 POSTPARTUM RECOVERY;".
14 Renumber succeeding section accordingly."

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