

# STATE OF NEW YORK

1670--B

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL, FORREST, CRUZ, GLICK, SEAWRIGHT, REYES, DAVILA, LUCAS, SIMON, SHIMSKY, LEVENBERG, TAPIA, SIMONE, RAGA, BURDICK, WEPRIN, LAVINE, KELLES, PAULIN, SAYEGH, MEEKS, HEVESI, OTIS, GIBBS -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the executive law, in relation to prohibiting the use of restraints on incarcerated individuals during labor, absent extraordinary circumstances, and on pregnant persons during a custodial interrogation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 611 of the correction law, as  
2 amended by chapter 17 of the laws of 2016, paragraph (c) as separately  
3 amended by chapters 322 and 621 of the laws of 2021, is amended to read  
4 as follows:  
5 1. (a) If a [~~woman~~] person confined in any institution or local  
6 correctional facility [~~be~~] is pregnant and about to give birth [~~to a~~  
7 ~~child~~], or needs medical care elsewhere related to pregnancy or any  
8 pregnancy outcome, including birth, abortion, miscarriage and still-  
9 birth, the superintendent or sheriff in charge of such institution or  
10 facility, a reasonable time before the anticipated birth [~~of such child~~]  
11 or need for such other care, as determined by such person's health care  
12 provider, or if unavailable, by personnel providing medical services to  
13 such person, in accordance with medical best practices and standards of  
14 care, shall cause such [~~woman~~] person to be removed from such institu-  
15 tion or facility and provided with comfortable accommodations, mainte-  
16 nance and medical care elsewhere[~~r~~]. This shall be done under such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 supervision and safeguards to prevent [~~her~~] their escape from custody as  
2 the superintendent or sheriff or [~~his or her~~] their designee may deter-  
3 mine except as provided by paragraphs (b), (c), (d), (g), and (h) of  
4 this subdivision.

5 (b) No restraints of any kind shall be used during transport of such  
6 [woman] person, a [woman] person who is known to be pregnant or known to  
7 be within twelve weeks after any pregnancy outcome, including birth,  
8 abortion, miscarriage, and stillbirth, by correctional personnel or  
9 personnel providing medical services to the institution or local correc-  
10 tional facility[~~, or a woman within eight weeks after delivery or preg-~~  
11 nancy outcome]. This includes, but is not limited to, persons receiv-  
12 ing care at a hospital or medical facility or in labor or delivery, and  
13 is absent extraordinary circumstances in which[+

14 i. ~~the superintendent or sheriff or his or her designee in consulta-~~  
15 tion with the medical professional responsible for the institution has  
16 made an individualized determination that restraints are necessary to  
17 prevent such woman from injuring herself or medical or correctional  
18 personnel or others and cannot reasonably be restrained by other means,  
19 including the use of additional personnel, or

20 ii-], during transport the correctional personnel directly responsible  
21 for the transport of such a [woman] person determine that an emergency  
22 has arisen in which restraints are necessary because the [woman] person  
23 poses an immediate risk of serious injury to [~~herself~~] themselves or  
24 medical or correctional personnel or others and cannot reasonably be  
25 restrained by other means.

26 [~~(b)~~] (c) If a determination has been made pursuant to [~~subparagraph i~~  
27 ~~or ii of~~] paragraph [~~(a)~~] (b) of this subdivision that extraordinary  
28 circumstances exist then restraints shall be limited to wrist restraints  
29 in front of the body. The [~~superintendent or sheriff or his or her~~  
30 ~~designee pursuant to subparagraph i of paragraph (a) of this subdivision~~  
31 ~~or~~] correctional personnel pursuant to [~~subparagraph ii of~~] paragraph  
32 [~~(a)~~] (b) of this subdivision shall document in writing the facts upon  
33 which the finding of extraordinary circumstances were based within five  
34 days of the use of such restraints and shall also document the type of  
35 restraints used and the length of time such restraints were used.

36 [~~(e) No restraints of any kind shall be used when such woman is in~~  
37 ~~labor, admitted to a hospital, institution or clinic for delivery, or~~  
38 ~~recovering after giving birth. Any such personnel as may be necessary to~~  
39 ~~supervise the woman during transport to and from and during her stay at~~  
40 ~~the hospital, institution or clinic shall be provided to ensure adequate~~  
41 ~~care, custody and control of the woman, except that no]~~

42 (d) No correctional staff shall be present in the [~~delivery~~] patient's  
43 room during [~~the birth of a baby~~] medical care related to all pregnancy  
44 outcomes including birth, abortion, miscarriage, and stillbirth and  
45 during and after labor unless requested by the medical staff [~~supervis-~~  
46 ~~ing~~] providing such [~~delivery~~] care when the situation poses a clear  
47 risk of danger to the medical staff or others or by the [~~woman giving~~  
48 ~~birth~~] person receiving such care. If a determination has been made  
49 pursuant to this subdivision that correctional staff shall be present,  
50 correctional personnel shall document in writing within five days: the  
51 facts, as reported by medical staff, on which the determination was  
52 based; the nature of the care being provided; and what, if any, alterna-  
53 tives were attempted to avoid having correctional staff present and why  
54 they failed.

55 (e) The [woman] person shall be permitted to have at least one support  
56 person of [~~her~~] their choosing accompany [~~her in the delivery room and~~

1 ~~when such woman is in labor and recovering after giving birth]~~ them to a  
2 hospital or medical facility for labor, birth, postpartum recovery and  
3 counseling and medical care related to all pregnancy outcomes including  
4 birth, abortion, miscarriage and stillbirth and shall be permitted to  
5 remain with such support person for the duration of their stay in the  
6 hospital or medical facility subject to the visitation rules of that  
7 hospital or medical facility. A support person shall not need to have  
8 visited the [~~woman~~] person at a correctional facility prior to serving  
9 as a support person [~~—A person~~] and may not be denied eligibility to  
10 serve as a support person solely on the basis of a past criminal  
11 conviction or that such support person is on probation, conditional  
12 release, parole or post release supervision. Any decision by an [~~agency~~]  
13 institution or local correctional facility to deny a [~~woman's~~] request  
14 [~~to have~~] for a specific support person [~~serve as a support person~~]  
15 shall be made with reasons specified in writing within five days of  
16 [~~her~~] the request and promptly provided to the [~~woman~~] person making  
17 the request. A support person shall be notified immediately after such  
18 [~~woman~~] person goes into labor, [~~or immediately after a caesarean~~] is  
19 scheduled for labor induction or scheduled for a cesarean section [~~or~~  
20 ~~termination~~], is identified as having a miscarriage or stillbirth, or is  
21 scheduled for medical care for any pregnancy outcome, including birth,  
22 abortion, miscarriage, and stillbirth. If available, a doula, midwife or  
23 other birthing support specialist may also assist during labor [~~and~~],  
24 delivery [~~in addition to at least one support person of the woman's~~  
25 ~~choosing. Any woman confined in a state or local correctional facility~~  
26 ~~shall receive notice in writing in a language and manner understandable~~  
27 ~~to her about the requirements of this section upon her admission to such~~  
28 ~~state or local correctional facility and again when she is known to be~~  
29 ~~pregnant. The superintendent or sheriff shall publish notice of the~~  
30 ~~requirements of this section in prominent locations where medical care~~  
31 ~~is provided~~], postpartum recovery, and during medical care for and  
32 recovery from any pregnancy outcome including birth, abortion, miscar-  
33 riage, and stillbirth. The superintendent or sheriff or [~~his or her~~]  
34 their designee shall cause such [~~woman~~] person to be subject to return  
35 to such institution or local correctional facility [~~as soon~~] after the  
36 birth of [~~her~~] their child or other pregnancy outcome or provision of  
37 counseling and medical care related to pregnancy or any pregnancy  
38 outcome as the state of [~~her~~] their health will permit as determined by  
39 the medical professional responsible for the care of such [~~woman~~]  
40 person. [~~If such woman is confined in a local correctional facility, the~~  
41 ~~expense of such accommodation, maintenance and medical care shall be~~  
42 ~~paid by such woman or her relatives or from any available funds of the~~  
43 ~~local correctional facility and if not available from such sources,~~  
44 ~~shall be a charge upon the county, city or town in which is located the~~  
45 ~~court from which such incarcerated individual was committed to such~~  
46 ~~local correctional facility. If such woman is confined in any institu-~~  
47 ~~tion under the control of the department, the expense of such accommo-~~  
48 ~~dation, maintenance and medical care shall be paid by such woman or her~~  
49 ~~relatives and if not available from such sources, such maintenance and~~  
50 ~~medical care shall be paid by the state. In cases where payment of such~~  
51 ~~accommodations, maintenance and medical care is assumed by the county,~~  
52 ~~city or town from which such incarcerated individual was committed the~~  
53 ~~payer shall make payment by issuing payment instrument in favor of the~~  
54 ~~agency or individual that provided such accommodations and services,~~  
55 ~~after certification has been made by the head of the institution to~~  
56 ~~which the incarcerated individual was legally confined, that the charges~~

~~for such accommodations, maintenance and medical care were necessary and are just, and that the institution has no available funds for such purpose.~~

~~(d)~~ (f) Any ~~[woman]~~ person confined in an institution or local correctional facility shall receive notice in writing in a language and manner understandable to ~~[her]~~ them about the requirements of this section upon ~~[her]~~ their admission to an institution or local correctional facility and again when ~~[she is]~~ they are known to be pregnant. The superintendent or sheriff shall publish notice of the requirements of this section in prominent locations where medical care is provided. The department and the sheriff shall provide annual training on provisions of this section to all correctional personnel who are involved in the transportation, supervision or medical care of incarcerated ~~[women]~~ persons.

~~(e)~~ (g) Notwithstanding any other provision of law, force against a pregnant person or any person within twelve weeks after delivery or pregnancy outcome shall not be used, except as a last resort, and then only in situations in which the staff member reasonably believes that force is necessary to protect themselves, the incarcerated individual, or a third person from what they reasonably believe to be the use or imminent use of physical force by such individual that could cause death or serious physical injury. The use of spit masks, chemical agents, tasers, weapons, chokeholds or blows to the body against a pregnant person or any person within twelve weeks after delivery or pregnancy outcome shall be strictly prohibited.

(h) If a determination has been made pursuant to paragraph (g) of this subdivision that force must be used, correctional personnel shall document in writing within five days of the use of such force: the facts from which the finding that force was necessary as a last resort were based, what non-force alternatives were attempted and why they failed, the type or types of force used, the length of time such force was used, and a description of each injury incurred by the incarcerated person.

(i) i. The department shall report annually to the governor, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the chairperson of the senate crime victims, crime and correction committee and the chairperson of the assembly correction committee concerning:

(A) every use of restraints and force on a [woman] person under this section, including the reason such restraint was used, the type of restraint used and the length of time such restraint was used pursuant to paragraph ~~(b)~~ (c) of this subdivision, but shall exclude ~~[individual identifying]~~ personally identifiable information; and

(B) every use of force on a person under this section, including the reason such force was used, what non-force alternatives were attempted and why they failed, the type or types of force used, the length of time such force was used, and a description of each injury incurred by the incarcerated person pursuant to paragraph (h) of this subdivision, but shall exclude personally identifiable information.

ii. The sheriff of each county shall report at least annually to the commission, in a form and manner prescribed by the commission~~[7]~~:

(A) every use of restraints and force on a [woman] person under this section, including the reason such restraint was used, the type of restraint used and the length of time such restraint was used pursuant to paragraph ~~(b)~~ (c) of this subdivision, ~~[annually to the commission]~~ but shall exclude personally identifiable information; and

1 (B) every use of force on a person under this section, including the  
2 reason such force was used, what non-force alternatives were attempted  
3 and why they failed, the type or types of force used, the length of time  
4 such force was used, and a description of each injury incurred by the  
5 incarcerated person pursuant to paragraph (h) of this subdivision, but  
6 shall exclude personally identifiable information. The commission shall  
7 include such information in its annual report pursuant to section  
8 forty-five of this chapter, but shall exclude identifying information  
9 from such report.

10 iii. Reports required by this section shall be posted on the websites  
11 maintained by the department and the commission.

12 (j) The department and the commission shall issue uniform minimum  
13 standards and procedures regarding the implementation of this subdivi-  
14 sion within one hundred eighty days of the effective date of the chapter  
15 of the laws of two thousand twenty-six that amended this subdivision.  
16 These standards shall be developed in consultation with medical, social  
17 work, and mental health professionals, including those with specializa-  
18 tions in reproductive health care, pediatrics, child development, and  
19 postpartum mental health, as well as advocates for pregnant people who  
20 are incarcerated, including presently and formerly incarcerated individ-  
21 uals.

22 § 2. The executive law is amended by adding a new section 837-t-1 to  
23 read as follows:

24 § 837-t-1. Use of restraints on pregnant and post-pregnant persons by  
25 law enforcement. 1.(a) Where a person who is known to be pregnant, in  
26 labor or delivery, or twelve weeks post-pregnancy is in the custody of  
27 law enforcement, subject to custodial interrogation, or has their free-  
28 dom of action restricted by law enforcement in any significant way, the  
29 use of restraints of any kind by law enforcement personnel shall be  
30 prohibited except:

31 (i) during arrest, if exigent circumstances arise and the person  
32 cannot reasonably be restrained by other means; or

33 (ii) during transport of the person, if the person directly responsi-  
34 ble for such transport determines that an emergency has arisen in which  
35 restraints are necessary due to an immediate risk of serious injury to  
36 themselves or medical or law enforcement personnel or others.

37 (b) Restraints used pursuant to this section shall be for the shortest  
38 duration possible and restraints shall be limited to wrist restraints in  
39 front of the body.

40 (c) Restraints shall never be used on a person who is in labor,  
41 notwithstanding the exceptions provided in subparagraphs (i) and (ii) of  
42 paragraph (a) of this subdivision.

43 (d) The provisions of this section shall at minimum apply to police  
44 stations, holding facilities for prisoners, prosecutors' offices,  
45 medical areas and hospitals, and any facility where persons are held in  
46 detention in connection with criminal or juvenile delinquency charges  
47 that have been or may be filed against them, as well as during transfer  
48 to and from such locations. A person's disclosure of their status shall  
49 serve as sufficient notice to law enforcement under this provision.

50 2. (a) If restraints are used on a person who is pregnant or post-  
51 pregnancy contrary to this section, the law enforcement personnel  
52 responsible for such use of restraints shall document in writing within  
53 five days: the reason such restraints were used, the type of restraints  
54 used, and the length of time such restraints were used.

55 (b) The chief of every police department, county sheriff, and the  
56 superintendent of state police shall report to the division, in a form

1 and manner prescribed by the division, all such uses of restraints,  
2 disaggregated by county, and shall include the following information,  
3 but shall exclude personally identifiable information:

4 (i) the reason restraints were used;

5 (ii) the type of restraints used;

6 (iii) the length of time such restraints were used;

7 (iv) the race, ethnicity, age, and gender identity of the individual;

8 and

9 (v) the zip code or location where the use of restraints occurred.

10 (c) The division shall make the information reported pursuant to this  
11 subdivision available to the public by posting it on the website of the  
12 division, excluding personally identifiable information.

13 (d) The division shall submit to the governor and the legislature an  
14 annual report of all uses of restraints on pregnant and post-pregnant  
15 persons by law enforcement, including the information reported pursuant  
16 to this subdivision, but shall exclude personally identifying informa-  
17 tion.

18 (e) The division may promulgate regulations to effectuate the report-  
19 ing required by this subdivision.

20 § 3. This act shall take effect immediately.