

# STATE OF NEW YORK

2667--C

2025-2026 Regular Sessions

## IN SENATE

January 22, 2025

Introduced by Sens. SALAZAR, COONEY, GONZALEZ, HARCKHAM, HINCHEY, LIU, MYRIE, PARKER, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Women's Issues -- committee discharged, bill amended, 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-

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

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1 tion or facility and provided with comfortable accommodations, maintenance and medical care elsewhere[7]. This shall be done under such supervision and safeguards to prevent [~~her~~] their escape from custody as the superintendent or sheriff or [~~his or her~~] their designee may determine except as provided by paragraphs (b), (c), (d), (g), and (h) of this subdivision.

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

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

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

28 [~~(b)~~] (c) If a determination has been made pursuant to [~~subparagraph i or ii of~~] paragraph [~~(a)~~] (b) of this subdivision that extraordinary circumstances exist then restraints shall be limited to wrist restraints in front of the body. The [~~superintendent or sheriff or his or her designee pursuant to subparagraph i of paragraph (a) of this subdivision or~~] correctional personnel pursuant to [~~subparagraph ii of~~] paragraph 34 [~~(a)~~] (b) of this subdivision shall document in writing the facts upon which the finding of extraordinary circumstances were based within five 36 days of the use of such restraints and shall also document the type of restraints used and the length of time such restraints were used.

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

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

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

~~1 after certification has been made by the head of the institution to  
2 which the incarcerated individual was legally confined, that the charges  
3 for such accommodations, maintenance and medical care were necessary and  
4 are just, and that the institution has no available funds for such  
5 purpose.~~

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

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

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

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

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

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

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

53 (A) every use of restraints and force on a [~~woman~~] person under this  
54 section, including the reason such restraint was used, the type of  
55 restraint used and the length of time such restraint was used pursuant

1 to paragraph [~~(b)~~] (c) of this subdivision, [~~annually to the commission~~]  
2 but shall exclude personally identifiable information; and

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

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

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

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

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

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

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

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

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

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

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

1 (b) The chief of every police department, county sheriff, and the  
2 superintendent of state police shall report to the division, in a form  
3 and manner prescribed by the division, all such uses of restraints,  
4 disaggregated by county, and shall include the following information,  
5 but shall exclude personally identifiable information:

6 (i) the reason restraints were used;

7 (ii) the type of restraints used;

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

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

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

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

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

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

22 § 3. This act shall take effect immediately.