



**Protecting the Health and Wellness of Babies and Pregnant Women in Custody Act
(H.R. 6805)**

Sponsors: Rep. Karen Bass (D-CA), Rep. Mia Love (R-UT), and Rep. Katherine Clark (D-MA).

Bill Status: The bill was introduced in the U.S. House of Representatives on September 13, 2018 and referred to the Judiciary Committee. **This bill is not yet law.** To become law, the bill must be approved by the judiciary committees, passed by both chambers of the US Congress, and be signed by the President.

Summary: This bill would restore dignity and respect to women prisoners during childbirth, one of the most vulnerable moments in a persons' life, by severely limiting the use of restraints and restrictive housing on women who are pregnant, in labor, or in postpartum recovery while also improving standards of healthcare for this population. **FAMM Supports H.R. 6805.**

If passed, H.R. 6805 would:

- **Require data collection on pregnant women in custody:** H.R. 6805 would require the Department of Justice (DOJ) to collect demographic and physical/mental health data on pregnant women in federal, state, tribal, and local correctional facilities.
- **Severely limit the use of restraints and restrictive housing for prisoners going through childbirth within the Bureau of Prisons (BOP):** H.R. 6805 would prohibit the use of physical restraints on women who are pregnant, in labor, or in postpartum recovery unless a BOP staff member or a U.S. Marshall, in consultation with a health services staff member, determines physical restraints are required to eliminate a credible flight risk or address a serious threat of harm either to the prisoner or others. In the case that restraints are required, H.R. 6805 mandates that BOP defer to the least restrictive restraints available.
- **Establish minimum standards of healthcare and training:** H.R. 6805 would require the DOJ to develop and establish minimum standards of healthcare for mothers in prison and their newborns. The DOJ would also need to train BOP correctional staff members on topics such as health and nutrition for pregnant women and pregnancy-related services. As well train BOP staff on the new restrictions on shackling and restrictive housing.
- **Require reporting on the use of restraints and restrictive housing on pregnant prisoners:** In order to hold the BOP accountable to the new restrictions, this bill would require annual reporting to both the House and Senate Judiciary Committee on the use of restraints and restrictive housing on pregnant prisoners.
- **Provide training and technical assistance to state and local agencies:** H.R. 6805 would require the DOJ to establish funding for training and technical assistance to states and local agencies to ensure their restraint and restrictive housing policies are in accordance with state law and regulation.
- **Require a GAO study on shackling policy:** This bill would also initiate a GAO survey of services and protections for pregnant prisoners throughout the country.

