



Ohio Revised Code

Section 2152.75 Restraining pregnant children.

Effective: April 4, 2023

Legislation: Senate Bill 16

(A) As used in this section:

(1) "Charged or adjudicated delinquent child" means any female child to whom both of the following apply:

(a) The child is charged with a delinquent act or, with respect to a delinquent act, is subject to juvenile court proceedings, has been adjudicated a delinquent child, or is serving a disposition.

(b) The child is, following arrest, transportation, and routine processing and booking, in custody of any law enforcement, court, or corrections official.

(2) "Health care professional" has the same meaning as in section 2108.61 of the Revised Code.

(3) "Law enforcement, court, or corrections official" means any officer or employee of this state or a political subdivision of this state who has custody or control of any child who is a charged or adjudicated delinquent child.

(4) "Restrain" means to use any shackles, handcuffs, or other similar appliance or device.

(5) "Unborn child" means a member of the species homo sapiens who is carried in the womb of a child who is a charged or adjudicated delinquent child, during a period that begins with fertilization and continues until live birth occurs.

(6) "Emergency circumstance" means a sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the charged or adjudicated delinquent child who is pregnant for an emergency situation faced by a law enforcement, court, or corrections official.

(B) Except as otherwise provided in division (C) of this section, beginning on the date on which a



pregnancy is confirmed to law enforcement by a health care professional, no law enforcement, court, or corrections official, with knowledge that the female child is pregnant or was pregnant, shall knowingly restrain a female child who is a charged or adjudicated delinquent child during any of the following periods of time:

(1) If the child is pregnant, at any time during her pregnancy;

(2) If the child is pregnant, during transport to a hospital, during labor, or during delivery;

(3) If the child was pregnant, during any period of postpartum recovery up to six weeks after the child's pregnancy.

(C) A law enforcement, court, or corrections official may restrain a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section if the official determines that the child presents a risk of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a risk of physical harm to property, presents a security risk, or presents a substantial flight risk.

(D) A law enforcement, court, or corrections official who restrains a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section under authority of division (C) of this section shall not use any waist restraint to restrain the child.

(E)(1) If a law enforcement, court, or corrections official restrains a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section under authority of division (C) of this section, the official shall remove the restraint if, at any time while the restraint is in use, a health care professional who is treating the child provides a notice to the official or to the official's employing agency or court stating that the restraint poses a risk of physical harm to the child or to the child's unborn child.

(2) A law enforcement, court, or corrections official shall not restrain a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section if, prior to the use of the restraint, a health care professional who is treating the child provides a notice to the official or to the official's employing agency or court stating that any



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restraint of the child during a period of time specified in division (B) of this section poses a risk of physical harm to the child or to the child's unborn child. A notice provided as described in this division applies throughout all periods of time specified in division (B) of this section that occur after the provision of the notice.