



Ohio Revised Code

Section 2901.10 Restraining pregnant women.

Effective: May 17, 2021

Legislation: House Bill 8 - 134th General Assembly

(A) As used in this section:

(1) "Charged or convicted criminal offender" means any woman to whom both of the following apply:

(a) The woman is charged with a crime or, with respect to a crime, is being tried, has been convicted of or pleaded guilty, or is serving a sentence.

(b) The woman 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 woman who is a charged or convicted criminal offender.

(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 woman who is a charged or convicted criminal offender, 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 convicted criminal offender 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 woman is pregnant or was pregnant, shall knowingly restrain a woman who is a charged or convicted criminal offender during any of the following periods of time:

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

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

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

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

(D) A law enforcement, court, or corrections official who restrains a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section under authority of division (C) of this section shall not use any leg, ankle, or waist restraint to restrain the woman.

(E)(1) If a law enforcement, court, or corrections official restrains a woman who is a charged or convicted criminal offender 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 woman 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 woman or to the woman's unborn child.

(2) A law enforcement, court, or corrections official shall not restrain a woman who is a charged or convicted criminal offender 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 woman provides a notice to



the official or to the official's employing agency or court stating that any restraint of the woman during a period of time specified in division (B) of this section poses a risk of physical harm to the woman or to the woman'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.