

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 688**

**Representative Antonio**

**Cosponsors: Representatives Boggs, Howse, Kelly, Lepore-Hagan, Miller, Ramos,  
Smith, K., Patterson**

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**A BILL**

To amend section 2921.45 and to enact sections 1  
2152.75 and 2901.10 of the Revised Code to 2  
generally prohibit a law enforcement, court, or 3  
corrections official from restraining a pregnant 4  
woman or child who is a charged or adjudicated 5  
criminal offender or delinquent child at any 6  
time during her third trimester of pregnancy or 7  
during transport to a hospital, during labor, or 8  
during delivery and from restraining such a 9  
woman or child who was pregnant during any 10  
period of postpartum recovery. 11

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2921.45 be amended and sections 12  
2152.75 and 2901.10 of the Revised Code be enacted to read as 13  
follows: 14

**Sec. 2152.75.** (A) As used in this section: 15

(1) "Charged or adjudicated delinquent child" means any 16  
female child to whom both of the following apply: 17

(a) The child is charged with a delinquent act, is subject to juvenile court proceedings for a delinquent act, has been adjudicated a delinquent child for a delinquent act, is serving a disposition imposed for a delinquent act, or is under supervised release imposed as a condition of release from any disposition imposed for a delinquent act. 18  
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(b) The child is in custody of any law enforcement, court, or corrections official. 24  
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(2) "Health care professional" has the same meaning as in section 2108.61 of the Revised Code. 26  
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(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. 28  
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(4) "Restrain" means to use any shackles, handcuffs, or other physical restraint. 32  
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(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. 34  
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(B) Except as otherwise provided in division (C) of this section, no law enforcement, court, or corrections official shall restrain a female child who is a charged or adjudicated delinquent child during any of the following periods of time: 38  
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(1) If the child is pregnant, at any time during her third trimester of pregnancy; 42  
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(2) If the child is pregnant, during transport to a hospital, during labor, or during delivery; 44  
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(3) If the child was pregnant, during any period of 46  
postpartum recovery after the child's pregnancy. 47

(C) (1) Except as otherwise provided in division (D) of 48  
this section, a law enforcement, court, or corrections official 49  
may restrain a female child who is a charged or adjudicated 50  
delinquent child during a period of time specified in division 51  
(B) of this section if all of the following apply: 52

(a) The official determines that the child presents a 53  
serious threat of physical harm to herself, to the official, to 54  
other law enforcement or court personnel, or to any other 55  
person. 56

(b) Prior to restraining the child, the official contacts 57  
a health care professional who is treating the child and 58  
notifies the professional that the official wishes to restrain 59  
the child, and identifies the type of restraint and the expected 60  
duration of its use. 61

(c) Upon being contacted by the official as described in 62  
division (C) (1) (b) of this section, the health care professional 63  
does not object to the use of the specified type of restraint 64  
for the expected duration of its use. 65

(2) A health care professional who is contacted by a law 66  
enforcement, court, or corrections official as described in 67  
division (C) (1) (b) of this section shall not object to the use 68  
of the specified type of restraint for the expected duration of 69  
its use unless the professional determines that the specified 70  
type of restraint, or the use of that type of restraint for the 71  
expected duration, poses a risk of physical harm to the child or 72  
to the child's unborn child. 73

(D) (1) A law enforcement, court, or corrections official 74

who restrains a female child who is a charged or adjudicated 75  
delinquent child during a period of time specified in division 76  
(B) of this section under authority of division (C) of this 77  
section shall not use any leg, ankle, or waist restraint to 78  
restrain the child. 79

(2) If a law enforcement, court, or corrections official 80  
restrains a female child who is a charged or adjudicated 81  
delinquent child during a period of time specified in division 82  
(B) of this section under authority of division (C) of this 83  
section, the official shall remove the restraint if, at any time 84  
while the restraint is in use, a health care professional who is 85  
treating the child provides a notice to the official or to the 86  
official's employing agency or court stating that the restraint 87  
poses a risk of physical harm to the child or to the child's 88  
unborn child. 89

(3) A law enforcement, court, or corrections official 90  
shall not restrain a female child who is a charged or 91  
adjudicated delinquent child during a period of time specified 92  
in division (B) of this section if, prior to the use of the 93  
restraint, a health care professional who is treating the child 94  
provides a notice to the official or to the official's employing 95  
agency or court stating that any restraint of the child during a 96  
period of time specified in division (B) of this section poses a 97  
risk of physical harm to the child or to the child's unborn 98  
child. A notice provided as described in this division applies 99  
throughout all periods of time specified in division (B) of this 100  
section that occur after the provision of the notice. 101

(E) (1) Whoever violates division (B) of this section is 102  
guilty of interfering with civil rights in violation of division 103  
(B) of section 2921.45 of the Revised Code. 104

(2) A female child who is restrained in violation of 105  
division (B) of this section may commence a civil action under 106  
section 2307.60 of the Revised Code against the law enforcement, 107  
court, or corrections official who committed the violation, 108  
against the official's employing agency or court, or against 109  
both the official and the official's employing agency or court. 110  
In the action, in addition to the full damages specified in 111  
section 2307.60 of the Revised Code, the child may recover 112  
punitive damages, the costs of maintaining the action and 113  
reasonable attorney's fees, or both punitive damages and the 114  
costs of maintaining the action and reasonable attorney's fees. 115

(3) Divisions (E) (1) and (2) of this section do not limit 116  
any right of a person to obtain injunctive relief or to recover 117  
damages in a civil action under any other statutory or common 118  
law of this state or the United States. 119

**Sec. 2901.10.** (A) As used in this section: 120

(1) "Charged or adjudicated criminal offender" means any 121  
woman to whom both of the following apply: 122

(a) The woman is charged with a crime, is being tried for 123  
a crime, has been convicted of or pleaded guilty to a crime, is 124  
servicing a sentence imposed for a crime, or is under supervised 125  
release imposed as a condition of release from any sentence 126  
imposed for a crime. 127

(b) The woman is in custody of any law enforcement, court, 128  
or corrections official. 129

(2) "Health care professional" has the same meaning as in 130  
section 2108.61 of the Revised Code. 131

(3) "Law enforcement, court, or corrections official" 132  
means any officer or employee of this state or a political 133

subdivision of this state who has custody or control of any 134  
woman who is a charged or convicted criminal offender. 135

(4) "Restrain" means to use any shackles, handcuffs, or 136  
other physical restraint. 137

(5) "Unborn child" means a member of the species homo 138  
sapiens who is carried in the womb of a woman who is a charged 139  
or adjudicated criminal offender, during a period that begins 140  
with fertilization and continues until live birth occurs. 141

(B) Except as otherwise provided in division (C) of this 142  
section, no law enforcement, court, or corrections official 143  
shall restrain a woman who is a charged or convicted criminal 144  
offender during any of the following periods of time: 145

(1) If the woman is pregnant, at any time during her third 146  
trimester of pregnancy; 147

(2) If the woman is pregnant, during transport to a 148  
hospital, during labor, or during delivery; 149

(3) If the woman was pregnant, during any period of 150  
postpartum recovery after the woman's pregnancy. 151

(C)(1) Except as otherwise provided in division (D) of 152  
this section, a law enforcement, court, or corrections official 153  
may restrain a woman who is a charged or convicted criminal 154  
offender during a period of time specified in division (B) of 155  
this section if all of the following apply: 156

(a) The official determines that the woman presents a 157  
serious threat of physical harm to herself, to the official, to 158  
other law enforcement or court personnel, or to any other 159  
person. 160

(b) Prior to restraining the woman, the official contacts 161

a health care professional who is treating the woman and 162  
notifies the professional that the official wishes to restrain 163  
the woman, and identifies the type of restraint and the expected 164  
duration of its use. 165

(c) Upon being contacted by the official as described in 166  
division (C) (1) (b) of this section, the health care professional 167  
does not object to the use of the specified type of restraint 168  
for the expected duration of its use. 169

(2) A health care professional who is contacted by a law 170  
enforcement, court, or corrections official as described in 171  
division (C) (1) (b) of this section shall not object to the use 172  
of the specified type of restraint for the expected duration of 173  
its use unless the professional determines that the specified 174  
type of restraint, or the use of that type of restraint for the 175  
expected duration, poses a risk of physical harm to the woman or 176  
to the woman's unborn child. 177

(D) (1) A law enforcement, court, or corrections official 178  
who restrains a woman who is a charged or convicted criminal 179  
offender during a period of time specified in division (B) of 180  
this section under authority of division (C) of this section 181  
shall not use any leg, ankle, or waist restraint to restrain the 182  
woman. 183

(2) If a law enforcement, court, or corrections official 184  
restrains a woman who is a charged or convicted criminal 185  
offender during a period of time specified in division (B) of 186  
this section under authority of division (C) of this section, 187  
the official shall remove the restraint if, at any time while 188  
the restraint is in use, a health care professional who is 189  
treating the woman provides a notice to the official or to the 190  
official's employing agency or court stating that the restraint 191

poses a risk of physical harm to the woman or to the woman's 192  
unborn child. 193

(3) A law enforcement, court, or corrections official 194  
shall not restrain a woman who is a charged or convicted 195  
criminal offender during a period of time specified in division 196  
(B) of this section if, prior to the use of the restraint, a 197  
health care professional who is treating the woman provides a 198  
notice to the official or to the official's employing agency or 199  
court stating that any restraint of the woman during a period of 200  
time specified in division (B) of this section poses a risk of 201  
physical harm to the woman or to the woman's unborn child. A 202  
notice provided as described in this division applies throughout 203  
all periods of time specified in division (B) of this section 204  
that occur after the provision of the notice. 205

(E) (1) Whoever violates division (B) of this section is 206  
guilty of interfering with civil rights in violation of division 207  
(B) of section 2921.45 of the Revised Code. 208

(2) A woman who is restrained in violation of division (B) 209  
of this section may commence a civil action under section 210  
2307.60 of the Revised Code against the law enforcement, court, 211  
or corrections official who committed the violation, against the 212  
official's employing agency or court, or against both the 213  
official and the official's employing agency or court. In the 214  
action, in addition to the full damages specified in section 215  
2307.60 of the Revised Code, the woman may recover punitive 216  
damages, the costs of maintaining the action and reasonable 217  
attorney's fees, or both punitive damages and the costs of 218  
maintaining the action and reasonable attorney's fees. 219

(3) Divisions (E) (1) and (2) of this section do not limit 220  
any right of a person to obtain injunctive relief or to recover 221



damages in a civil action under any other statutory or common 222  
law of this state or the United States. 223

**Sec. 2921.45.** (A) No public servant, under color of ~~his~~ 224  
the public servant's office, employment, or authority, shall 225  
knowingly deprive, or conspire or attempt to deprive any person 226  
of a constitutional or statutory right. 227

(B) (1) As used in division (B) (2) of this section, "law 228  
enforcement, court, or corrections official" has the same 229  
meaning as in section 2152.75 of the Revised Code with respect 230  
to conduct of a type described in division (B) of that section 231  
and has the same meaning as in section 2901.10 of the Revised 232  
Code with respect to conduct of a type described in division (B) 233  
of that section. 234

(2) No law enforcement, court, or corrections official 235  
shall violate division (B) of section 2152.75 or section 2901.10 236  
of the Revised Code. 237

(C) Whoever violates this section is guilty of interfering 238  
with civil rights, a misdemeanor of the first degree. 239

**Section 2.** That existing section 2921.45 of the Revised 240  
Code is hereby repealed. 241