



DAVE YOST

OHIO ATTORNEY GENERAL

HB 8 Interested Party Testimony
Michael Rodgers, Director of Policy and Legislation
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Chairman Manning, Vice-Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee—thank you for the opportunity to provide written interested party testimony on behalf of Ohio Attorney General Dave Yost for HB 8. I appreciate the opportunity to share a few brief comments about one particular provision of this bill.

House Bill 8 makes important revisions to the prohibition against restraining a pregnant prisoner enacted during the previous General Assembly. Last year, House Bill 1 placed broad prohibitions on the shackling of a pregnant prisoner, and made an officer who violated this prohibition subject to a civil action for damages under the offense of “interfering with civil rights.” This provision puts peace officers in a very precarious situation where they face potential financial liability for restraining some suspects they believe may be pregnant, but without any proof of a pregnancy.

In light of these concerns, amendments that our office supported were added to HB 8 in the House. Notably, these amendments modified both the knowledge and enforcement requirements for shackling a pregnant female, and excludes the pre-booking period from these provisions. This allows officers to safely to detain and search an individual under arrest, and new language requires a medical professional to confirm a pregnancy before liability can be assessed against an officer.

Another important edit removes the current requirement that law enforcement must contact the detained person’s healthcare provider to notify them of the type of restraint and expected duration before use. These critical changes remove a lot of the guesswork from law enforcement that could expose them to liability under the current language. We feel these provisions appropriately balance officer and public safety, with the safety of the detained pregnant woman and her child.

I would like to thank Representative West and Representative Plummer for their leadership on this critical issue in the House, and this committee for your consideration of these provisions in the Senate. Please feel free to reach out to my office at your convenience with any questions.