



Ohio Revised Code

Section 2152.75 Restraining or confining pregnant children.

Effective: April 12, 2021

Legislation: House Bill 1 - 133rd General Assembly

(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 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 physical restraint.

(5) "Confine" means to place in solitary confinement in an enclosed space.

(6) "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.

(7) "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, no law enforcement, court, or corrections official, with knowledge that the female child is pregnant or was pregnant, shall knowingly restrain or confine 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)(1) Except as otherwise provided in division (D) of this section, a law enforcement, court, or corrections official may restrain or confine a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section if all of the following apply:

(a) The official determines that the child 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.

(b)(i) Except as provided in division (C)(1)(b)(ii) of this section, prior to restraining or confining the child, the official contacts a health care professional who is treating the child and notifies the professional that the official wishes to restrain or confine the child and identifies the type of restraint and the expected duration of its use or communicates the expected duration of confinement.

(ii) The official is not required to contact a health care professional who is treating the child prior to restraining the child in accordance with division (D) of this section if an emergency circumstance exists. The use of restraint in an emergency circumstance shall be in accordance with division (D) of this section. Once the child is restrained, the official shall contact a health care professional who is treating the child and identify the type of restraint and the expected duration of its use.

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



duration of its use or does not object to the expected duration of confinement.

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

(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 leg, ankle, or waist restraint to restrain the child.

(E)(1) If a law enforcement, court, or corrections official restrains or confines 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 or cease confinement if, at any time while the restraint is in use or the child is in confinement, 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 or confinement 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 or confine 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 or confinement, 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 restraint or confinement 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.

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



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

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