



Ohio Revised Code

Section 2901.10 Restraining or confining pregnant women.

Effective: April 12, 2021

Legislation: House Bill 1 - 133rd 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 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 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 woman who is a charged or convicted criminal offender, 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 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, no law enforcement, court, or corrections official, with knowledge that the woman is pregnant or was pregnant, shall knowingly restrain or confine 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)(1) Except as otherwise provided in division (D) of this section, a law enforcement, court, or corrections official may restrain or confine a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section if all of the following apply:

(a) 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.

(b)(i) Except as otherwise provided in division (C)(1)(b)(ii) of this section, prior to restraining or confining the woman, the official contacts a health care professional who is treating the woman and notifies the professional that the official wishes to restrain or confine the woman 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 woman prior to restraining the woman 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 woman is restrained, the official shall contact a health care professional who is treating the woman 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 woman or to the woman's unborn child.

(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 or confines 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 or cease confinement if, at any time while the restraint is in use or the woman is in confinement, 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 or confinement 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 or confine 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 or confinement, 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 or confinement 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.



(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 woman 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 woman 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.