

Requested by Representative SCHOUTEN

**PROPOSED AMENDMENTS TO A-ENGROSSED
HOUSE BILL 2515**

1 On page 6 of the printed A-engrossed bill, after line 11, insert:

2 **“SECTION 10. (1) As used in this section:**

3 **“(a) ‘Correctional facility’:**

4 **“(A) Means any place used for the confinement of youth offenders,**
5 **detained juveniles, persons charged with or convicted of a crime or**
6 **persons otherwise confined under a court order.**

7 **“(B) Includes but is not limited to a youth correction facility and**
8 **a juvenile detention facility.**

9 **“(C) Applies to a state hospital or a secure intensive community**
10 **inpatient facility only as to persons detained therein charged with or**
11 **convicted of a crime or detained therein after having been found guilty**
12 **except for insanity of a crime under ORS 161.290 to 161.370.**

13 **“(b) ‘Corrections officer’ means:**

14 **“(A) A corrections officer as defined in ORS 181A.355, a youth cor-**
15 **rection officer, a youth correction facility staff member, a Department**
16 **of Corrections or Oregon Youth Authority staff member or a person**
17 **employed pursuant to a contract with the department or youth au-**
18 **thority to work with, or in the vicinity of, inmates, youth or youth**
19 **offenders; or**

20 **“(B) A volunteer authorized by the department, youth authority or**
21 **other entity in charge of a corrections facility to work with or in the**

1 vicinity of inmates.

2 “(c) ‘Inmate’ means a youth offender confined in a youth correction
3 facility, a juvenile detained in a juvenile detention facility or any
4 person incarcerated or detained in a correctional facility who is ac-
5 cused of, convicted of or sentenced for a violation of criminal law or
6 for the violation of the terms and conditions of pretrial release, pro-
7 bation, parole, post-prison supervision or a diversion program.

8 “(d) ‘Juvenile detention facility’ has the meaning given that term
9 in ORS 169.005.

10 “(e) ‘Youth correction facility’ has the meaning given that term in
11 ORS 420.005.

12 “(f) ‘Youth offender’ has the meaning given that term in ORS
13 419A.004.

14 “(2) Except as provided in subsection (3) of this section, an inmate
15 who is known to be pregnant may be restrained solely with handcuffs
16 in front of the inmate’s body unless further restraint is required to
17 protect the inmate or others.

18 “(3)(a) Except in an extraordinary circumstance, an inmate who is
19 known to be pregnant may not be restrained during labor, during
20 transport to a medical facility or birthing center for delivery or during
21 postpartum recovery.

22 “(b) As used in this subsection, ‘extraordinary circumstance’ means
23 that reasonable grounds exist to believe the inmate presents an im-
24 mediate and credible:

25 “(A) Serious threat of hurting self, staff or others; or

26 “(B) Risk of escape that cannot be reasonably minimized through
27 any method other than restraints.

28 “(4) Except as provided in subsection (6) of this section, a cor-
29 rections officer who is the opposite sex of an inmate may not conduct
30 a pat down search of the inmate unless:

1 “(a) The inmate presents a risk of immediate harm to self, staff or
2 others;

3 “(b) The inmate presents a risk of escape; or

4 “(c) No corrections officer of the same sex is available to conduct
5 the search.

6 “(5) Except as provided in subsection (6) of this section, a cor-
7 rections officer:

8 “(a) May not enter an area of the institution where inmates of the
9 opposite sex may be in a state of undress or where the corrections
10 officer is able to view inmates of the opposite sex in a state of undress
11 unless:

12 “(A) An inmate in the area presents a risk of immediate harm to
13 self, staff or others; or

14 “(B) There is a medical emergency in the area and no corrections
15 officer of the same sex is available to resolve the situation in a safe
16 and timely manner without assistance; and

17 “(b) Shall announce the officer’s presence when entering a housing
18 unit occupied by inmates of the opposite sex.

19 “(6) Each correctional facility shall adopt a policy on how to im-
20 plement the application of subsections (4) and (5) of this section on
21 behalf of inmates who are nonbinary or transgender.”.

22
