

196.173 Pregnant inmates housed in jail, penitentiary, local or state correctional or detention facility, residential center, or reentry center -- Permissible and impermissible restraints.

- (1) Except as provided in subsection (2) of this section, an inmate housed in a jail, penitentiary, or local or state correctional or detention facility, residential center, or reentry center who is known to be pregnant shall be restrained solely with handcuffs in front of her body unless further restraint is required to protect herself or others.
- (2)
 - (a) Except in an extraordinary circumstance, no inmate who is known to be pregnant shall be restrained during labor, during transport to a medical facility or freestanding birthing center for delivery, or during postpartum recovery.
 - (b) As used in this subsection, "extraordinary circumstance" means that reasonable grounds exist to believe the inmate presents an immediate and credible:
 1. Serious threat of hurting herself, staff, or others; or
 2. Risk of escape that cannot be reasonably minimized through any method other than restraints.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 121, sec. 4, effective June 27, 2025. -- Created 2018 Ky. Acts ch. 115, sec. 2, effective July 14, 2018.

Legislative Research Commission Note (6/27/2025). 2025 Ky. Acts ch. 121, sec. 24, provides that the Act, which amended this statute, may be cited as the Mary Carol Akers Birth Centers Act.

Legislative Research Commission Note (7/14/2018). Pursuant to 2018 Ky. Acts ch. 115, sec. 12, that Act shall be known as the Women's Dignity in the Justice System Act. This statute was created in Section 2 of that Act.