

**Pregnant and Postpartum Inmate Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: Heidi Balderree

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**LONG TITLE**

**General Description:**

This bill addresses issues related to inmates who are pregnant or in postpartum recovery.

**Highlighted Provisions:**

This bill:

▸ requires the Department of Corrections (the department) and each county jail to report to the State Commission on Criminal and Juvenile Justice:

- the number of known pregnant inmates in custody; and
- the number of female inmates in custody who are parents to a minor child;

▸ clarifies that the postpartum recovery period for pregnant inmates is 12 weeks after the day on which the inmate gives birth;

▸ prohibits the restraining of an inmate during postpartum recovery unless an individualized determination of certain security risks is made that details why the restraints are necessary;

▸ increases the period of time that the department and each county jail is required to provide access to a social worker to an inmate who is pregnant, or who has recently given birth, from six weeks to 12 weeks, to help the inmate:

- arrange childcare;
- establish a reunification plan; and
- establish a substance abuse treatment plan, if needed;

▸ clarifies that the department and each county jail is required to provide an inmate in postpartum recovery access to postpartum care for 12 weeks after the inmate gives birth;

▸ clarifies that health care providers in general may make certain decisions regarding pregnant inmates; and

▸ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **17-72-408**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
35 Chapter 1336 **17-72-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
37 Chapter 1338 **17-72-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
39 Chapter 1340 **64-13-1**, as last amended by Laws of Utah 2023, Chapters 177, 322 and 41441 **64-13-7**, as last amended by Laws of Utah 2024, Chapter 34142 **64-13-45**, as last amended by Laws of Utah 2024, Chapters 245, 34143 **64-13-46**, as last amended by Laws of Utah 2025, Chapter 397

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45 *Be it enacted by the Legislature of the state of Utah:*46 Section 1. Section **17-72-408** is amended to read:47 **17-72-408 . County jail reporting requirements.**48 (1) Each county jail shall submit a report to the commission before June 15 of each year  
49 that includes, for the preceding calendar year:

50 (a) the average daily prisoner population each month;

51 (b) the number of prisoners in the county jail on the last day of each month who identify  
52 as each race or ethnicity included in the Standards for Transmitting Race and  
53 Ethnicity published by the United States Federal Bureau of Investigation;

54 (c) the number of prisoners booked into the county jail;

55 (d) the number of prisoners held in the county jail each month on behalf of each of the  
56 following entities:

57 (i) the Bureau of Indian Affairs;

58 (ii) a state prison;

59 (iii) a federal prison;

60 (iv) the United States Immigration and Customs Enforcement; and

61 (v) any other entity with which a county jail has entered a contract to house inmates

- 62                   on the entity's behalf;
- 63           (e) the number of prisoners that are denied pretrial release and held in the custody of the
- 64                 county jail while the prisoner awaited final disposition of the prisoner's criminal
- 65                 charges;
- 66           (f) for each prisoner booked into the county jail:
- 67                 (i) the name of the agency that arrested the prisoner;
- 68                 (ii) the date and time the prisoner was booked into and released from the custody of
- 69                 the county jail;
- 70                 (iii) if the prisoner was released from the custody of the county jail, the reason the
- 71                 inmate was released from the custody of the county jail;
- 72                 (iv) if the prisoner was released from the custody of the county jail on a financial
- 73                 condition, whether the financial condition was set by a county sheriff or a court;
- 74                 (v) the number of days the prisoner was held in the custody of the county jail before
- 75                 disposition of the prisoner's criminal charges;
- 76                 (vi) whether the prisoner was released from the custody of the county jail before final
- 77                 disposition of the prisoner's criminal charges; and
- 78                 (vii) the prisoner's state identification number;
- 79           (g) the number of in-custody deaths that occurred at the county jail;
- 80           (h) for each in-custody death:
- 81                 (i) the deceased's name, gender, race, ethnicity, age, and known or suspected medical
- 82                 diagnosis or disability, if any;
- 83                 (ii) the date, time, and location of death;
- 84                 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 85                 arresting the deceased; and
- 86                 (iv) a brief description of the circumstances surrounding the death;
- 87           (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 88                 each of the in-custody deaths described in Subsection (2)(g);
- 89           (j) the county jail's policy for notifying an inmate's next of kin after the prisoner's
- 90                 in-custody death;
- 91           (k) the county jail policies, procedures, and protocols:
- 92                 (i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use,
- 93                 including use of opiates;
- 94                 (ii) that relate to the county jail's provision, or lack of provision, of medications used
- 95                 to treat, mitigate, or address a prisoner's symptoms of withdrawal, including

- 96 methadone and all forms of buprenorphine and naltrexone; and
- 97 (iii) that relate to screening, assessment, and treatment of a prisoner for a substance
- 98 use or mental health disorder, including the policies, procedures, and protocols
- 99 that implement the requirements described in Section 17-72-501;
- 100 (l)(i) the number of prisoners whose screening described in Section 17-72-501
- 101 indicated the presence of a substance use disorder; and
- 102 (ii) of the prisoners whose screening indicated the presence of a substance use
- 103 disorder, the number of prisoners who received medication under a medication
- 104 assisted treatment plan;[~~and~~]
- 105 (m) the number of female prisoners that the county jail knows were pregnant while
- 106 incarcerated in the county jail;
- 107 (n) the number of prisoners who gave birth and were restrained in accordance with
- 108 Section 64-13-46, including:
- 109 (i) the types of restraints used; and
- 110 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
- 111 prisoner, medical or corrections staff, or the public;
- 112 (o) the number of female prisoners incarcerated in the county jail who are the parent of a
- 113 minor child as that term is defined in Section 81-1-101; and
- 114 [~~(m)~~] (p) any report the county jail provides or is required to provide under federal law or
- 115 regulation relating to prisoner deaths.
- 116 (2)(a) Subsection (1) does not apply to a county jail if the county jail:
- 117 (i) collects and stores the data described in Subsection (1); and
- 118 (ii) enters into a memorandum of understanding with the commission that allows the
- 119 commission to access the data described in Subsection (1).
- 120 (b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a
- 121 provision to protect any information related to an ongoing investigation and comply
- 122 with all applicable federal and state laws.
- 123 (c) If the commission accesses data from a county jail in accordance with Subsection
- 124 (2)(a), the commission may not release a report prepared from that data, unless:
- 125 (i) the commission provides the report for review to:
- 126 (A) the county jail; and
- 127 (B) any arresting agency that is named in the report; and
- 128 (ii)(A) the county jail approves the report for release;
- 129 (B) the county jail reviews the report and prepares a response to the report to be

- 130 published with the report; or
- 131 (C) the county jail fails to provide a response to the report within four weeks after
- 132 the day on which the commission provides the report to the county jail.
- 133 (3) The commission shall:
- 134 (a) compile the information from the reports described in Subsection (1);
- 135 (b) omit or redact any identifying information of an inmate in the compilation to the
- 136 extent omission or redaction is necessary to comply with state and federal law;
- 137 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 138 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 139 before November 1 of each year; and
- 140 (d) submit the compilation to the protection and advocacy agency designated by the
- 141 governor before November 1 of each year.
- 142 (4) The commission may not provide access to or use a county jail's policies, procedures, or
- 143 protocols submitted under this section in a manner or for a purpose not described in this
- 144 section.
- 145 (5) Upon request, a county jail shall make a report, including only the names and causes of
- 146 death of deceased inmates and the facility in which the deceased inmates were being
- 147 held in custody, available to the public.
- 148 Section 2. Section **17-72-501** is amended to read:
- 149 **17-72-501 . Disclosure of prisoner medical clearance -- Care and health care of**
- 150 **prisoners -- Funding of services -- Private contractor.**
- 151 (1)(a) A health care provider, as defined in Section 78B-3-403, who provides health care
- 152 to an individual before the individual is booked into a county jail by a competent
- 153 authority, is authorized to disclose to the competent authority whether the individual
- 154 is medically cleared for incarceration.
- 155 (b) The disclosure under Subsection (1)(a) shall be made in writing if requested by the
- 156 competent authority.
- 157 (2) Except as provided in Subsection (8), a sheriff shall:
- 158 (a) receive each prisoner committed to jail by competent authority;
- 159 (b) provide each prisoner with necessary food, clothing, and bedding in the manner
- 160 prescribed by the county legislative body;
- 161 (c) subject to Subsection (7), provide each prisoner health care when:
- 162 (i) the prisoner's symptoms evidence a serious disease or injury;
- 163 (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and

- 164 (iii) the potential for harm to the prisoner by reason of delay or the denial of health  
165 care would be substantial;
- 166 (d) provide each prisoner, as part of the intake process, with the option of continuing any  
167 of the following medically prescribed methods of contraception:
- 168 (i) an oral contraceptive;
- 169 (ii) an injectable contraceptive;
- 170 (iii) a patch;
- 171 (iv) a vaginal ring; or
- 172 (v) an intrauterine device, if the prisoner was prescribed the intrauterine device  
173 because the prisoner experiences serious and persistent adverse effects when using  
174 the methods of contraception described in Subsections (2)(d)(i) and (ii);
- 175 (e)(i) within 30 days after a prisoner is committed to jail, use an evidence-based  
176 screening tool to screen each inmate for substance use disorders; and
- 177 (ii) use the results of the screening to assist with providing programming and  
178 treatment options for the prisoner;
- 179 (f) cooperate with health care personnel to continue a medication assisted treatment plan  
180 for a prisoner if the prisoner was an active client before arrest and commitment; and
- 181 (g) ensure that each female prisoner younger than 50 years old who has been  
182 incarcerated for longer than 72 hours on a state or local criminal offense is offered,  
183 which the prisoner may reject, a test for pregnancy.
- 184 (3) A sheriff may provide the generic form of a contraceptive described in Subsection  
185 (2)(d)(i) or (ii).
- 186 (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in  
187 postpartum recovery, as that term is defined in Section 64-13-46, including the reporting  
188 requirements described in Subsections 17-22-32(2)(m) and (n).
- 189 (5)(a) Except as provided in Section 17-72-506 and Subsection (5)(b), the expense  
190 incurred in providing the services required by this section to prisoners shall be paid  
191 from the county treasury.
- 192 (b) The expense incurred in providing the services described in Subsection (2)(d) to  
193 prisoners shall be paid by the Department of Health and Human Services.
- 194 (6) A medication used for a medication assisted treatment plan under Subsection (2)(f):
- 195 (a) shall be administered to a prisoner in accordance with the prisoner's prescription  
196 under the direction of the sheriff;
- 197 (b) may be paid for by a county; and

- 198 (c) may be left or stored at a jail at the discretion of the sheriff.
- 199 (7)(a) A sheriff may not initiate any of the following procedures or treatments for a  
200 prisoner:
- 201 (i) a cross-sex hormone treatment;
  - 202 (ii) a primary sex characteristic surgical procedure; or
  - 203 (iii) a secondary sex characteristic surgical procedure.
- 204 (b) Subject to Subsection (7)(a) and Section 17-72-503, a sheriff may provide  
205 psychotherapy, mental health care, or any other necessary and appropriate treatment  
206 to treat a prisoner's gender dysphoria and any co-occurring mental health disorder.
- 207 (8) If the county executive contracts with a private contractor to provide the services  
208 required by this section, the sheriff shall provide only those services required of the  
209 sheriff by the contract between the county and the private contractor.
- 210 Section 3. Section **17-72-503** is amended to read:
- 211 **17-72-503 . Sheriff's classification of prisoners -- Classification criteria --**  
212 **Alternative incarceration programs -- Limitation.**
- 213 (1) As used in this section, "living area" means the same as that term is defined in Section  
214 64-13-7.
- 215 (2)(a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and  
216 implement written policies:
- 217 (i) for admission of prisoners to the county jail; and
  - 218 (ii) for the classification of prisoners that provide for the separation of prisoners by  
219 gender and by other factors as may reasonably provide for the safety and  
220 well-being of prisoners and the community.
- 221 (b) To the extent authorized by law, any written admission policies adopted and  
222 implemented under this Subsection (2) shall be applied equally to all entities using  
223 the county correctional facilities.
- 224 (3) Except as provided in Subsections (5) and (6), each county sheriff shall assign prisoners  
225 to a facility or section of a facility based on classification criteria that the sheriff  
226 develops and maintains.
- 227 (4)(a) Except as provided in Subsection (6), a county sheriff may develop and  
228 implement alternative incarceration programs that may involve housing a prisoner in  
229 a jail facility.
- 230 (b) A prisoner housed under an alternative incarceration program under Subsection (4)(a)  
231 shall be considered to be in the full custody and control of the sheriff for purposes of

- 232 Sections 76-8-309 and 76-8-309.3.
- 233 (c) A prisoner may not be placed in an alternative incarceration program under  
 234 Subsection (4)(a) unless:
- 235 (i) the county jail is at maximum operating capacity, as established under Section  
 236 17-72-402; or
- 237 (ii) ordered by the court.
- 238 (5) A jail facility shall comply with the same requirements as the Department of  
 239 Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning a prisoner  
 240 to a living area, including the reporting requirements in Subsections [~~64-13-45(2)(d) and~~  
 241 ~~(e);~~ 64-13-45(2)(f) and (g).
- 242 (6) This section does not authorize a sheriff to modify provisions of a contract with the  
 243 Department of Corrections to house state inmates in a county jail.
- 244 Section 4. Section **64-13-1** is amended to read:
- 245 **64-13-1 . Definitions.**
- 246 As used in this chapter:
- 247 (1) "Behavioral health transition facility" means a nonsecure correctional facility operated  
 248 by the department for the purpose of providing a therapeutic environment for offenders  
 249 receiving mental health services.
- 250 (2) "Case action plan" means a document developed by the Department of Corrections that  
 251 identifies:
- 252 (a) the program priorities for the treatment of the offender, including the criminal risk  
 253 factors as determined by risk, needs, and responsivity assessments conducted by the  
 254 department; and
- 255 (b) clearly defined completion requirements.
- 256 (3) "Community correctional center" means a nonsecure correctional facility operated by  
 257 the department, but does not include a behavioral health transition facility for the  
 258 purposes of Section 64-13f-103.
- 259 (4) "Correctional facility" means any facility operated to house offenders in a secure or  
 260 nonsecure setting:
- 261 (a) by the department; or
- 262 (b) under a contract with the department.
- 263 (5) "Criminal risk factors" means an individual's characteristics and behaviors that:
- 264 (a) affect the individual's risk of engaging in criminal behavior; and
- 265 (b) are diminished when addressed by effective treatment, supervision, and other support

- 266 resources, resulting in a reduced risk of criminal behavior.
- 267 (6) "Department" means the Department of Corrections.
- 268 (7) "Direct supervision" means a housing and supervision system that is designed to meet  
269 the goals described in Subsection 64-13-14(5) and has the elements described in  
270 Subsection 64-13-14(6).
- 271 (8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any  
272 correctional facility, or any situation that presents immediate danger to the safety,  
273 security, and control of the department.
- 274 (9) "Evidence-based" means a program or practice that has had multiple randomized control  
275 studies or a meta-analysis demonstrating that the program or practice is effective for a  
276 specific population or has been rated as effective by a standardized program evaluation  
277 tool.
- 278 (10) "Evidence-informed" means a program or practice that is based on research and the  
279 experience and expertise of the department.
- 280 (11) "Executive director" means the executive director of the Department of Corrections.
- 281 (12) "Inmate" means an individual who is:
- 282 (a) committed to the custody of the department; and  
283 (b) housed at a correctional facility or at a county jail at the request of the department.
- 284 (13) "Minor child" means the same as that term is defined in Section 81-1-101.
- 285 ~~[(13)]~~ (14) "Offender" means an individual who has been convicted of a crime for which the  
286 individual may be committed to the custody of the department and is at least one of the  
287 following:
- 288 (a) committed to the custody of the department;  
289 (b) on probation; or  
290 (c) on parole.
- 291 ~~[(14)]~~ (15) "Recidivism" means a return to criminal activity after a previous criminal  
292 conviction.
- 293 ~~[(15)]~~ (16) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 294 ~~[(16)]~~ (17) "Risk and needs assessment" means an actuarial tool validated on criminal  
295 offenders that determines:
- 296 (a) an individual's risk of reoffending; and  
297 (b) the criminal risk factors that, when addressed, reduce the individual's risk of  
298 reoffending.
- 299 ~~[(17)]~~ (18) "Secure correctional facility" means any prison, penitentiary, or other institution

300 operated by the department or under contract for the confinement of offenders, where  
 301 force may be used to restrain an offender if the offender attempts to leave the institution  
 302 without authorization.

303 ~~[(18)]~~ (19) "Serious illness" means, as determined by the inmate's physician, an illness that  
 304 substantially impairs the inmate's quality of life.

305 ~~[(19)]~~ (20) "Serious injury" means, as determined by the inmate's physician, bodily injury  
 306 that involves a substantial risk of death, prolonged unconsciousness, prolonged and  
 307 obvious disfigurement, or prolonged loss or impairment of the function of a bodily  
 308 member, organ, or mental faculty.

309 ~~[(20)]~~ (21) "State-issued driver license" means a driver license issued in accordance with  
 310 Title 53, Chapter 3, Part 2, Driver Licensing Act, or an equivalent issued by another  
 311 state.

312 ~~[(21)]~~ (22) "State-issued identification card" means an identification card issued in  
 313 accordance with Title 53, Chapter 3, Part 8, Identification Card Act, or an equivalent  
 314 issued by another state.

315 Section 5. Section **64-13-7** is amended to read:

316 **64-13-7 . Individuals in custody.**

317 (1) As used in this section:

318 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

319 (b) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

320 (c) "Criminogenic factor" means a personal trait, condition, outside influence, or societal  
 321 factor that tends to increase an inmate's likelihood of committing a criminal offense.

322 (d)(i) "Living area" means a location within a correctional facility where an inmate is  
 323 assigned to sleep, recreate, study, or interact with other inmates.

324 (ii) "Living area" does not include a location within a correctional facility where an  
 325 inmate is temporarily placed by staff of the correctional facility to facilitate  
 326 transfers, visitation, medical care, or other needs of the correctional facility or  
 327 inmate.

328 (e) "Transgender inmate" means an inmate whose gender identity or expression does not  
 329 correspond with the inmate's biological sex at birth.

330 (2) An offender committed for incarceration in a state correctional facility or for  
 331 supervision on probation or parole, shall be placed in the custody of the department.

332 (3) The department shall establish procedures and is responsible for the appropriate  
 333 assignment or transfer of an offender to a facility or program.

- 334 (4) Subject to Subsection (5), the department or a county jail may not:
- 335 (a) assign an inmate whose biological sex at birth is male to a living area where an
- 336 inmate whose biological sex at birth is female is assigned; or
- 337 (b) assign an inmate whose biological sex at birth is female to a living area where an
- 338 inmate whose biological sex at birth is male is assigned.
- 339 (5)(a) Upon a request from a transgender inmate to be assigned to a living area with
- 340 inmates whose biological sex at birth do not correspond with the transgender inmate's
- 341 biological sex at birth, or if the department or a county jail seeks to assign a
- 342 transgender inmate to a living area with inmates whose biological sex at birth do not
- 343 correspond with the transgender inmate's biological sex at birth, the department or a
- 344 county jail shall undertake an individualized security analysis considering
- 345 criminogenic and other factors including:
- 346 (i) the transgender inmate's anatomy which may be verified through a conversation
- 347 with the transgender inmate, reviewing the transgender inmate's medical records,
- 348 routine protocols applicable to all inmates, or as part of a broader medical
- 349 examination of the transgender inmate conducted in private by a medical
- 350 professional if necessary;
- 351 (ii) the physical characteristics of the transgender inmate;
- 352 (iii) the transgender inmate's criminal history, including whether the transgender
- 353 inmate has displayed predatory behavior against individuals whose biological sex
- 354 at birth do not correspond with the transgender inmate's biological sex at birth;
- 355 (iv) the history of the transgender inmate's behavior while in the department's or a
- 356 county jail's custody;
- 357 (v) the likelihood of the transgender inmate causing physical or psychological harm
- 358 to, or committing offenses against, inmates in the requested living area whose
- 359 biological sex at birth do not correspond with the transgender inmate's biological
- 360 sex at birth;
- 361 (vi) the safety of correctional facility staff if the transgender inmate were to be
- 362 assigned to the requested living area;
- 363 (vii) an analysis of whether the transgender inmate has a history or pattern of:
- 364 (A) anti-social attitudes or behaviors;
- 365 (B) interacting with peers who display anti-social attitudes or behaviors;
- 366 (C) negative family issues or influence;
- 367 (D) a lack of achievement in education and employment;

- 368 (E) not participating in pro-social leisure activities; or  
369 (F) substance abuse;
- 370 (viii) whether the requested living area assignment would:  
371 (A) ensure the transgender inmate's health and safety; and  
372 (B) assist the transgender inmate in successfully reentering the community; and  
373 (ix) any other factor determined to be relevant by the executive director or a county  
374 sheriff.
- 375 (b) The department or a county jail may assign a transgender inmate to a living area with  
376 inmates whose biological sex at birth do not correspond with the transgender inmate's  
377 biological sex at birth only if:
- 378 (i) the department or a county jail determines, after undertaking the individualized  
379 security analysis described in Subsection (5)(a), that the assignment presents a low  
380 risk of causing:  
381 (A) any physical or psychological harm to an inmate who resides in or will reside  
382 in the living area, the correctional facility staff that manage the living area, or  
383 the transgender inmate;  
384 (B) disruption to correctional facility management; and  
385 (C) overall security issues; and  
386 (ii) there is no evidence that the transgender inmate is claiming a gender identity or  
387 expression that does not correspond with the inmate's biological sex at birth solely  
388 for the purpose of altering the inmate's living area assignment.
- 389 (6) If the department or a county jail, after complying with Subsection (5), assigns a  
390 transgender inmate to a living area with inmates whose biological sex at birth do not  
391 correspond with the transgender inmate's biological sex at birth, the department or a  
392 county jail shall:
- 393 (a)(i) undertake the security analysis described in Subsection (5)(a) after a security  
394 incident involving the transgender inmate and at regular intervals determined by  
395 the executive director or a county sheriff to ensure that the assignment continues  
396 to meet the conditions described in Subsection (5)(b); and  
397 (ii) if the analysis conducted in Subsection (6)(a) demonstrates that the assignment no  
398 longer meets the conditions described in Subsection (5)(b), assign the transgender  
399 inmate to a living area with inmates whose biological sex at birth corresponds  
400 with the transgender inmate's biological sex at birth; and  
401 (b) comply with the reporting requirements described in Subsections [64-13-45(2)(d)

402 and (e)] 64-13-45(2)(f) and (g).

403 Section 6. Section **64-13-45** is amended to read:

404 **64-13-45 . Department reporting requirements.**

405 (1) As used in this section:

406 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

407 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the  
408 custody of the department.

409 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

410 (A) being transported for medical care; or

411 (B) receiving medical care outside of a correctional facility, other than a county  
412 jail.

413 (c) "Inmate" means an individual who is processed or booked into custody or housed in  
414 the department or a correctional facility other than a county jail.

415 (d) "Opiate" means the same as that term is defined in Section 58-37-2.

416 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.

417 (2) The department shall submit a report to the Commission on Criminal and Juvenile  
418 Justice created in Section 63M-7-201 before June 15 of each year that includes:

419 (a) the number of in-custody deaths that occurred during the preceding calendar year,  
420 including:

421 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors  
422 of each of the in-custody deaths described in Subsection (2)(a); and

423 (ii) the department's policy for notifying an inmate's next of kin after the inmate's  
424 in-custody death;

425 (b) the department policies, procedures, and protocols:

426 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,  
427 including use of opiates;

428 (ii) that relate to the department's provision, or lack of provision, of medications used  
429 to treat, mitigate, or address an inmate's symptoms of withdrawal, including  
430 methadone and all forms of buprenorphine and naltrexone; and

431 (iii) that relate to screening, assessment, and treatment of an inmate for a substance  
432 use disorder or mental health disorder;

433 (c) the number of female inmates that the department knows who are pregnant and  
434 currently incarcerated in a correctional facility operated by the department;

435 [(e)] (d) the number of inmates who gave birth and were restrained in accordance with

- 436 Section 64-13-46, including:
- 437 (i) the types of restraints used; and
- 438 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
- 439 inmate, medical or corrections staff, or the public;
- 440 (e) the number of inmates incarcerated in a correctional facility operated by the
- 441 department who are the parent of a minor child;
- 442 ~~[(d)]~~ (f) the number of transgender inmates that are assigned to a living area with inmates
- 443 whose biological sex at birth do not correspond with the transgender inmate's
- 444 biological sex at birth in accordance with Section 64-13-7, including:
- 445 (i) the results of the individualized security analysis conducted for each transgender
- 446 inmate in accordance with Subsection 64-13-7(5)(a); and
- 447 (ii) a detailed explanation regarding how the security conditions described in
- 448 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 449 ~~[(e)]~~ (g) the number of transgender inmates that were:
- 450 (i) assigned to a living area with inmates whose biological sex at birth do not
- 451 correspond with the transgender inmate's biological sex at birth; and
- 452 (ii) removed and assigned to a living area with inmates whose biological sex at birth
- 453 corresponds with the transgender inmate's biological sex at birth in accordance
- 454 with Subsection 64-13-7(6); and
- 455 ~~[(f)]~~ (h) any report the department provides or is required to provide under federal law or
- 456 regulation relating to inmate deaths.
- 457 (3) The State Commission on Criminal and Juvenile Justice shall:
- 458 (a) compile the information from the reports described in Subsection (2);
- 459 (b) omit or redact any identifying information of an inmate in the compilation to the
- 460 extent omission or redaction is necessary to comply with state and federal law[-]; and
- 461 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 462 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 463 before November 1 of each year.
- 464 (4) The State Commission on Criminal and Juvenile Justice may not provide access to or
- 465 use the department's policies, procedures, or protocols submitted under this section in a
- 466 manner or for a purpose not described in this section.

467 Section 7. Section **64-13-46** is amended to read:

468 **64-13-46 . Pregnant inmates.**

- 469 (1) As used in this section:

- 470 (a) "Postpartum recovery" means~~[, as determined by the pregnant inmate's physician, the~~  
471 ~~period immediately following delivery, including the entire period the inmate is in~~  
472 ~~the hospital or health care facility after birth]~~ the period of 12 weeks after the day on  
473 which a pregnant inmate gives birth.
- 474 (b) "Restraints" means any physical restraint or mechanical device used to control the  
475 movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles,  
476 or a convex shield.
- 477 (c)(i) "Shackles" means metal restraints, including leg irons, belly chains, or a  
478 security or tether chain.
- 479 (ii) "Shackles" does not include hard metal handcuffs.
- 480 (2) The department shall ensure that each female inmate younger than 50 years old is  
481 offered, which the inmate may reject, a test for pregnancy upon admission, or within a  
482 reasonable time after admission, to a correctional facility.
- 483 (3) Subject to Subsections (4) and (5), if the staff of a correctional facility knows or has  
484 reason to believe that an inmate is pregnant or is in postpartum recovery, the staff shall,  
485 when restraining the inmate at any time or location, use the least restrictive restraints  
486 necessary to ensure the safety and security of the inmate and others.
- 487 (4) A correctional staff member may not use restraints on an inmate during the third  
488 trimester of pregnancy, labor, ~~[or]~~ childbirth, or postpartum recovery unless a  
489 correctional staff member makes an individualized determination that there are  
490 compelling grounds to believe that the inmate presents:
- 491 (a) an immediate and serious risk of harm to the inmate, the inmate's infant, medical  
492 staff, correctional staff, or the public; or
- 493 (b) a substantial risk of escape that cannot reasonably be reduced by the use of other  
494 existing means.
- 495 (5) Notwithstanding Subsection (4), under no circumstances may shackles, leg restraints, or  
496 waist restraints be used on an inmate during the third trimester of pregnancy, labor,  
497 childbirth, or postpartum recovery.
- 498 (6) Correctional staff present during labor or childbirth shall:
- 499 (a) be stationed in a location that offers the maximum privacy to the inmate, while  
500 taking into consideration safety and security concerns; and
- 501 (b) be female, if practicable.
- 502 (7) If a correctional staff member authorizes restraints under Subsection (3) or (4), the  
503 correctional staff member shall make a written record of the authorization and use of the

- 504 restraints that includes:
- 505 (a) an explanation of the grounds for the correctional staff member's authorization on the  
506 use of restraints;
- 507 (b) the type of restraints that were used; and
- 508 (c) the length of time the restraints were used.
- 509 (8) The record described in Subsection (7):
- 510 (a) shall be retained by the correctional facility for five years;
- 511 (b) shall be available for public inspection with individually identifying information  
512 redacted; and
- 513 (c) may not be considered a medical record under state or federal law.
- 514 (9) For a minimum of 48 hours after an inmate has given birth, a correctional facility shall,  
515 if directed by the inmate's ~~[physician]~~ health care provider, allow the infant to remain  
516 with the inmate at the health care facility.
- 517 (10) A correctional facility shall provide:
- 518 (a) an inmate who is pregnant, or who has given birth within the past ~~[six]~~ 12 weeks,  
519 access to a social worker to help the inmate:
- 520 (i) arrange childcare;
- 521 (ii) establish a reunification plan; and
- 522 (iii) establish a substance abuse treatment plan, if needed; and
- 523 (b) an inmate in postpartum recovery access to postpartum care ~~[for up to 12 weeks as~~  
524 ~~determined by the inmate's physician]~~ during the entire period of postpartum recovery.
- 525 (11) The department may not create or operate a nursery in a correctional facility to provide  
526 space for a female inmate and the inmate's child.

527 **Section 8. Effective Date.**

528 This bill takes effect on May 6, 2026.