

Notice for Public Hearing

Notice is hereby given that the Nebraska Department of Correctional Services (NDCS) will hold a rule-making hearing pursuant to Neb. Rev. Stat. § 84-907 on the 25th day of November, 2019 at 9:00 am, to be held at the NDCS, Central Office, located in Building 1, on the Lincoln Regional Center grounds at Folsom Street and Prospector Place in Conference Room C.

The scope of the rule-making action is to promulgate rules and regulations in accordance with the Healthy Pregnancies for Incarcerated Women Act as introduced in LB 690.

Draft or working copies of the proposed rules are available at the NDCS Central Office, Legal Division at Folsom and Prospector Place, P.O. Box 94661, Lincoln, Nebraska 68509-4661, and available at corrections.nebraska.gov.

There is no fiscal impact from the creation of these regulations on state agencies, political subdivisions, or persons regulated.

All interested persons may attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to the hearing. Written comments submitted before the hearing will be made a part of the hearing record at the time of the hearing if received by NDCS on or before November 22, 2019. The written comments submitted prior to the hearing shall be mailed to NDCS, c/o Candace Bottorf, Legal Counsel, P.O. Box 94661, Lincoln, Nebraska 68509-4661 or hand delivered to the Department's Central Office.

If auxiliary aids or reasonable accommodations are needed to participate in the hearing, please call (402) 479-5735 to speak to Candace Bottorf of the Department's Legal Office by no later than November 22, 2019.

NEBRASKA ADMINISTRATIVE CODE

TITLE 72 - NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

CHAPTER 5 - RESTRAINING PREGNANT INMATES

01. The Department shall not use restraints on an inmate known to be pregnant, including the entire term of the pregnancy, during labor, delivery and postpartum recovery or during transport to a medical facility or birthing center, unless the Director determines there are extraordinary circumstances.
02. If the doctor, nurse, or other health professional treating the pregnant inmate requests that restraints be removed, any Department employee accompanying the inmate shall immediately remove all restraints.
03. If restraints are used on a pregnant inmate, the Director shall make written findings within ten days as to the extraordinary circumstances that dictated the use of the restraints.
04. The Director shall submit a report describing any use of restraints on a pregnant inmate in the preceding calendar year to the Inspector General of the Nebraska Correctional System.