

Part 2B. Dignity for Women Incarcerated in Local Confinement Facilities.

**§ 153A-229.1. Definitions.**

As used in this Article, the following definitions apply:

- (1) Body cavity searches. – The probing of body orifices in search of contraband.
- (2) Escape risk. – An incarcerated person who is determined to be at high risk for escape based on an individualized risk assessment.
- (3) Facility employee. – Any person who is employed by the local government and who works at or in a local confinement facility.
- (4) Important circumstance. – There has been an individualized determination that there are reasonable grounds to believe that the female incarcerated person presents a threat of harming herself, the fetus, or any other person, or an escape risk that cannot be reasonably contained by other means, including the use of additional personnel.
- (5) Incarcerated person. – Any person incarcerated or detained in a local confinement facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pretrial release, or a diversionary program.
- (6) Local confinement facility. – "Local confinement facility" includes a county or city jail, a local lockup, a regional or district jail, a juvenile detention facility, a detention facility for adults operated by a local government, and any other facility operated by a local government for confinement of persons awaiting trial or serving sentences except that it shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A of the General Statutes.
- (7) Menstrual products. – Products that women use during their menstrual cycle. These include tampons and sanitary napkins.
- (8) Postpartum recovery. – The six-week period following delivery, or longer, as determined by the health care professional responsible for the health and safety of the female incarcerated person.
- (9) Restraints. – Any physical or mechanical device used to restrict or control the movement of an incarcerated person's body, limbs, or both.
- (10) Restrictive housing. – Any type of detention that involves removal from general population and an inability to leave a room or cell for the vast majority of the day. This term shall not include any of the following:
  - a. Single-cell accommodations in facilities that provide those accommodations to all incarcerated persons.
  - b. Single-cell accommodations in facilities that provide those accommodations to all persons of a certain sex or gender.
  - c. Single-cell accommodations provided for medical reasons, except when pregnancy, alone, is the medical reason for the single-cell accommodations.
  - d. Single-cell accommodations provided when an individualized determination has been made that there are reasonable grounds to believe that there exists a threat of harm to the female incarcerated person or the fetus.
  - e. Single-cell accommodations provided at the request of the incarcerated person.

- (11) State of undress. – A situation when an incarcerated person is partially or fully naked, either in the shower, toilet areas, a medical examination room, or while having a body cavity search conducted. (2021-143, s. 3(a).)