

By the Committee on Criminal Justice; and Senator Jones

591-02609-21

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1                   A bill to be entitled  
2           An act relating to pregnant women in custody;  
3           providing a short title; creating s. 907.033, F.S.;  
4           requiring that every female who is arrested and not  
5           released on bond within 72 hours after arrest be  
6           administered a pregnancy test within a specified  
7           timeframe, upon her request; requiring that each  
8           municipal or county detention facility notify each  
9           arrested female upon booking of her right to request a  
10          pregnancy test; providing for the types of pregnancy  
11          tests that may be given; defining the term "female";  
12          creating s. 925.13, F.S.; defining the term "pregnant  
13          woman"; requiring that, if a pregnant woman is  
14          convicted of a crime and sentenced to incarceration of  
15          any length, the sentencing judge provide the pregnant  
16          woman the opportunity to defer the imposed sentence  
17          until a certain time after delivery; authorizing a  
18          sentencing judge to order certain terms and conditions  
19          that the pregnant woman must comply with during the  
20          deferral; requiring that, within 10 days after the  
21          deferral period ends and the woman is incarcerated,  
22          she be offered and, if requested, receive specified  
23          services; authorizing sanctions for a new criminal  
24          conviction or violation of the terms and conditions  
25          ordered by the judge; requiring municipal and county  
26          detention facilities to collect and report specified  
27          information to the Department of Corrections, which  
28          must incorporate such information from its facilities;  
29          requiring the department to compile and publish

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30           quarterly the information on its public website;  
31           providing report requirements; providing an effective  
32           date.

33  
34 Be It Enacted by the Legislature of the State of Florida:

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36           Section 1. This act may be cited at the "Protecting the  
37 Dignity of Women and Infants Act."

38           Section 2. Section 907.033, Florida Statutes, is created to  
39 read:

40           907.033 Pregnancy testing of female arrestees.—Every female  
41 who is arrested and not released on bond within 72 hours after  
42 arrest, upon her request, must be administered a pregnancy test  
43 by the municipal or county detention facility as defined in s.  
44 951.23 where she is being held within 24 hours after the  
45 request. Upon her booking into the facility, the facility must  
46 notify each such arrestee of her right to request a pregnancy  
47 test 72 hours after her arrest if she is still in custody. The  
48 pregnancy test may be conducted through urine or blood tests, by  
49 ultrasound scan, or by any other standard pregnancy testing  
50 protocols adopted by the facility. As used in this section, the  
51 term "female" includes a juvenile or adult woman.

52           Section 3. Section 925.13, Florida Statutes, is created to  
53 read:

54           925.13 Sentence deferral for pregnant women.—

55           (1) As used in this section, the term "pregnant woman"  
56 means a juvenile or adult woman whose pregnancy has been  
57 verified by a pregnancy test or through a medical examination  
58 conducted by a health care practitioner.

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59 (2) Notwithstanding any other law, the sentence of a  
60 pregnant woman who is convicted of a crime and sentenced to  
61 incarceration of any length must comply with all of the  
62 following requirements:

63 (a) The sentencing judge must provide a pregnant woman the  
64 opportunity to defer the imposed sentence until 12 weeks after  
65 delivery of the baby so that, during the deferral period, the  
66 pregnant woman may receive necessary health care for herself and  
67 the unborn child. If the pregnancy ends at any time before the  
68 delivery of the baby, the deferral period will end 12 weeks from  
69 the date the pregnancy ends. If the pregnant woman chooses not  
70 to defer her sentence, she must be incarcerated as directed by  
71 the judge.

72 (b) The sentencing judge may order a pregnant woman whose  
73 sentence is deferred to comply with any of the terms and  
74 conditions specified in s. 948.03 until such time as she is  
75 incarcerated.

76 (c) Within 10 days after the deferral period ends and the  
77 woman is incarcerated to serve the sentence, she must be offered  
78 an appropriate assessment by a licensed health care practitioner  
79 or a telehealth provider as defined in s. 456.47, and, upon the  
80 request of the incarcerated woman, the licensed health care  
81 practitioner or telehealth provider shall provide a postpartum  
82 assessment, including the need for any necessary medical tests,  
83 procedures, lactation support, mental health support, or  
84 treatments associated with her postpartum condition. The  
85 Department of Corrections and municipal and county detention  
86 facilities must develop and offer such assessments and  
87 treatments in consultation with community support organizations,

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88 licensed health care practitioners, social services programs,  
89 and local and state government agencies, including nonprofit  
90 organizations.

91 (3) If, during the deferral period, the pregnant woman is  
92 convicted of a new crime or violates any of the conditions  
93 imposed by the sentencing judge, the judge may impose any  
94 sanction that may be imposed under s. 948.06, including an order  
95 requiring the incarceration of the pregnant woman to serve the  
96 sentence for which the deferral was granted.

97 (4) (a) The Department of Corrections shall collect from its  
98 own institutions, and each municipal and county detention  
99 facility, as those terms are defined in s. 951.23, shall collect  
100 and report to the department, all of the following information,  
101 which the department shall compile and publish quarterly on its  
102 public website:

103 1. The total number of pregnant women who receive a  
104 sentence deferral under paragraph (2) (a);

105 2. The total number of women who receive and who decline an  
106 assessment under paragraph (2) (c);

107 3. The total number of births, including the number of live  
108 births and stillbirths, to women whose sentences are deferred,  
109 and the gestational age and birth weight of each infant at the  
110 time of birth or stillbirth;

111 4. The total number of such women who experience  
112 complications during pregnancy and type of complications  
113 experienced;

114 5. The total number of such women who experience  
115 miscarriages; and

116 6. The total number of such women who refuse to provide

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117 information regarding the outcome of their pregnancies as  
118 indicated in subparagraphs 3., 4., and 5.

119 (b) The information published pursuant to paragraph (a)  
120 must exclude patient identifying information and must comply  
121 with state and federal confidentiality laws.

122 Section 4. This act shall take effect July 1, 2021.