

1 A bill to be entitled

2 An act relating to pregnant women in the criminal
3 justice system; providing a short title; creating s.
4 907.033, F.S.; requiring each female arrested and
5 detained in specified detention facilities to be
6 informed of her right to request a pregnancy test in
7 certain circumstances; requiring administration of
8 such a test within a specified timeframe; requiring
9 timely notification of the test results; providing for
10 the types of pregnancy tests that may be given;
11 creating s. 925.13, F.S.; authorizing a pregnant woman
12 who is convicted of a felony to petition, at the time
13 of sentencing, the court to defer the incarcerative
14 portion of her sentence for a specified period of
15 time; requiring a petitioning woman to provide
16 verification that she is pregnant; providing factors a
17 court must take into account when determining whether
18 to grant such a petition; requiring a court that
19 grants such a petition to place the pregnant woman on
20 probation until she is incarcerated; requiring a
21 special condition of probation; authorizing a court to
22 revoke probation or impose sanctions if the pregnant
23 woman granted such a deferred sentence is arrested for
24 committing a new offense or violates conditions of
25 probation; amending s. 944.24, F.S.; requiring the

26 Department of Corrections to collect specified
 27 information relating to births during a woman's term
 28 of imprisonment and the health of pregnant inmates;
 29 requiring the department to submit an annual report;
 30 requiring exclusion of personally identifying
 31 information; providing an effective date.

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

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 35 Section 1. This act may be cited as "Ava's Law."

36 Section 2. Section 907.033, Florida Statutes, is created
 37 to read:

38 907.033 Pregnancy testing of female arrestees.-

39 (1) (a) Every female who is arrested and detained in either
 40 a county detention facility or a municipal detention facility,
 41 as those terms are defined in s. 951.23(1), or a detention
 42 center or facility, as defined in s. 985.03(19), must:

43 1. Upon her initial booking into the facility, be informed
 44 of her right to request a pregnancy test if she is still in
 45 custody 72 hours after her arrest.

46 2. If she is still in custody 72 hours after her arrest,
 47 upon request, be administered a pregnancy test within 24 hours
 48 after making such request.

49 (b) A facility must timely inform the female of the
 50 results of the pregnancy test.

51 (2) The pregnancy test may be conducted by a urine or
52 blood test, ultrasound scan, or any other standard pregnancy
53 testing protocols adopted by the facility.

54 Section 3. Section 925.13, Florida Statutes, is created to
55 read:

56 925.13 Sentence deferral for pregnant women.—

57 (1)(a) Notwithstanding any other law, a pregnant woman who
58 is convicted of a felony and sentenced to a term of
59 incarceration in a state correctional institution, as defined in
60 s. 944.02, may, at the time of sentencing, petition the
61 sentencing court to defer the incarcerative portion of her
62 sentence for up to 12 weeks after the pregnant woman gives birth
63 to a child or the pregnancy ends, whichever occurs sooner.

64 (b) A pregnant woman who petitions to defer her sentence
65 must provide verifiable proof of her pregnancy to the court
66 along with the petition for sentence deferral. Verifiable proof
67 may be demonstrated by providing records pursuant to a medical
68 examination or by other suitable means as determined by the
69 court.

70 (c) In determining whether to grant a petition for
71 sentence deferral, the sentencing court must consider the
72 severity of the offense for which the pregnant woman was
73 convicted, the pregnant woman's prior criminal history, whether
74 deferring the incarcerative portion of the pregnant woman's
75 sentence poses a danger to the community, the health of the

76 pregnant woman, and any special circumstances related to the
 77 woman's pregnancy.

78 (2) If the sentencing court grants a pregnant woman's
 79 petition to defer the incarcerative portion of her sentence, the
 80 court must place the pregnant woman on probation, as defined in
 81 s. 948.001(8), until the pregnant woman is incarcerated. The
 82 sentencing court must require, in addition to the standard
 83 conditions of probation in s. 948.03, the pregnant woman to
 84 timely inform her probation officer if she gives birth or her
 85 pregnancy ends. The court may order electronic monitoring as a
 86 condition of probation when deemed necessary.

87 (3) If a court grants a pregnant woman's petition to defer
 88 the incarcerative portion of her sentence and the pregnant woman
 89 is arrested for committing a criminal offense during the
 90 deferral period or violates any condition of probation imposed
 91 by the court, the court may impose any sanction that may be
 92 imposed under s. 948.06, including revoking the pregnant woman's
 93 probation and requiring her term of incarceration to begin
 94 immediately.

95 Section 4. Subsection (7) is added to section 944.24,
 96 Florida Statutes, to read:

97 944.24 Administration of correctional institutions for
 98 women.—

99 (7) (a) The department must collect all of the following
 100 information, which the department must compile and submit

101 annually in a report to the Governor, the President of the
102 Senate, and the Speaker of the House of Representatives:

103 1. The total number of pregnant inmates who give birth
104 during their term of imprisonment and whether the birth was a
105 live birth or stillbirth.

106 2. The gestational age and birth weight of each infant
107 born during the mother's term of imprisonment.

108 3. The total number of pregnant inmates who experience
109 complications during their term of imprisonment and the types of
110 complications experienced.

111 4. The total number of pregnant inmates who experience
112 miscarriages.

113 (b) The information reported pursuant to paragraph (a)
114 must exclude personally identifying information and must comply
115 with state and federal confidentiality laws.

116 Section 5. This act shall take effect July 1, 2023.