

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 that every female who is
 5 arrested and detained in specified detention
 6 facilities must be informed of her right to request a
 7 pregnancy test in certain circumstances and must be
 8 administered a pregnancy test upon request within a
 9 specified timeframe; requiring a facility to timely
 10 notify the female of the results of a pregnancy test;
 11 providing for the types of pregnancy tests that may be
 12 given; creating s. 925.13, F.S.; authorizing a
 13 pregnant woman who is convicted of a felony to
 14 petition, at the time of sentencing, the court to
 15 defer the incarcerative portion of her sentence for a
 16 specified period of time; requiring a pregnant woman
 17 who petitions a court for a deferred sentence to
 18 provide verification that she is pregnant; providing
 19 factors a court must take into account when
 20 determining whether to grant a petition for a deferred
 21 sentence; requiring a court which grants a petition
 22 for deferral to place the pregnant woman on probation
 23 until she is incarcerated; requiring a special
 24 condition of probation; authorizing a court to revoke
 25 probation or impose sanctions if a pregnant woman is

26 | granted a deferred sentence and is arrested for
 27 | committing a new offense or violates conditions of
 28 | probation; amends s. 944.24, F.S.; requiring the
 29 | Department of Corrections to collect specified
 30 | information relating to births during a woman's term
 31 | of imprisonment and the health of pregnant inmates;
 32 | requiring the Department of Corrections to annually
 33 | submit a report to the Governor, the President of the
 34 | Senate, and the Speaker of the House of
 35 | Representatives; requiring such information to exclude
 36 | personally identifying information and to comply with
 37 | confidentiality laws; providing an effective date.

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39 | Be It Enacted by the Legislature of the State of Florida:

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

42 | Section 2. Section 907.033, Florida Statutes, is created
 43 | to read:

44 | 907.033 Pregnancy testing of female arrestees.—

45 | (1)(a) Every female who is arrested and detained in either
 46 | a county or municipal detention facility as defined in s.
 47 | 951.23(1) or a detention center or facility as defined in s.
 48 | 985.03(19), must:

49 | 1. Upon her initial booking into the facility, be informed
 50 | of her right to request a pregnancy test if she is still in

51 custody 72 hours after her arrest; and

52 2. If she is still in custody 72 hours after her arrest,
 53 upon request, be administered a pregnancy test within 24 hours
 54 of making such request.

55 (b) A facility must timely inform the female of the
 56 results of the pregnancy test.

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

60 Section 3. Section 925.13, Florida Statutes, is created to
 61 read:

62 925.13 Sentence deferral for pregnant women.—

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

70 (b) A pregnant woman who petitions to defer her sentence
 71 must provide verifiable proof of her pregnancy to the court
 72 along with the petition for sentence deferral. Verifiable proof
 73 may be demonstrated by providing records pursuant to a medical
 74 examination or other suitable means as determined by the court.

75 (c) In determining whether to grant a petition for

76 sentence deferral, the sentencing court must consider the
 77 severity of the offense for which the pregnant woman was
 78 convicted, the pregnant woman's prior criminal history, whether
 79 deferring the incarcerative portion of the pregnant woman's
 80 sentence poses a danger to the community, the health of the
 81 pregnant woman, and any special circumstances related to the
 82 woman's pregnancy.

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

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

100 Section 4. Subsection (7) is added to section 944.24,

101 Florida Statutes, to read:

102 944.24 Administration of correctional institutions for
103 women.—

104 (7)(a) The department must collect all of the following
105 information, which the department must compile and submit
106 annually in a report to the Governor, the President of the
107 Senate, and the Speaker of the House of Representatives:

108 1. The total number of pregnant inmates who give birth
109 during their term of imprisonment, and whether the birth was a
110 live birth or stillbirth.

111 2. The gestational age and birth weight of each infant born
112 to a woman during her term of imprisonment.

113 3. The total number of pregnant inmates who experience
114 complications during their term of imprisonment and the types of
115 complications experienced.

116 4. The total number of pregnant inmates who experience
117 miscarriages.

118 (b) The information reported pursuant to paragraph (a)
119 must exclude personally identifying information and must comply
120 with state and federal confidentiality laws.

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