

2018 Regular Session

SENATE BILL NO. 558 (Substitute of Senate Bill No. 374 by Senator Barrow)

BY SENATOR BARROW

CORRECTIONAL FACILITIES. Provides relative to incarcerated women. (8/1/18)

1 AN ACT

2 To enact R.S. 15:892.1, relative to correctional facilities; to provide relative to women in
3 correctional facilities; to provide relative to certain healthcare products for
4 incarcerated females; to provide relative to sex-appropriate correctional officers; to
5 provide for definitions; to provide for applicability; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:892.1 is hereby enacted to read as follows:

9 **§892.1. Dignity for incarcerated women**

10 **A. As used in this Section, the following words shall have the following**
11 **meanings:**

12 **(1) "Custodian" means a warden, sheriff, deputy sheriff, law**
13 **enforcement officer, employee of a correctional facility, or any other person**
14 **having actual custody of an incarcerated person.**

15 **(2) "Correctional facility" includes facilities operated by a political**
16 **subdivision, facilities operated by private entities, and facilities owned or**
17 **operated by the state or the Louisiana Correctional Facilities Corporation that**

1 houses offenders sentenced to the custody of the Department of Public Safety
2 and Corrections.

3 (3) "Correctional officer" means any employee of a correctional facility.

4 (4) "State of undress" means not dressed or not fully dressed.

5 B.(1) A custodian shall make healthcare products available to all women
6 incarcerated in a correctional facility at no cost and in a quantity that is
7 appropriate to the needs of the woman without a medical permit. Custodians
8 shall not require that a woman be diagnosed with an illness to access healthcare
9 products. Custodians shall make healthcare products available in housing units
10 and in the medical area of a correctional facility.

11 (2) Healthcare products, as used in this Section, shall include but not be
12 limited to:

13 (a) Feminine hygiene products.

14 (b) Moisturizing soap that is not lye-based.

15 (c) Body lotion.

16 (d) Toothbrushes.

17 (e) Toothpaste.

18 (f) Any other healthcare product the custodian deems appropriate.

19 C.(1) A male correctional officer shall not conduct a pat-down search or
20 body cavity search on an incarcerated woman unless the woman presents an
21 immediate risk of harm to herself or others and a female correctional officer is
22 not available.

23 (2) A male correctional officer shall not enter into an area of the
24 correctional facility in which incarcerated women may be in a state of undress
25 or an area where incarcerated women in a state of undress may be viewed
26 including but not limited to restrooms, shower areas, or medical treatment
27 areas. If a female correctional officer is not available or if a female correctional
28 officer requires assistance, a male correctional officer may enter into an area
29 as provided in this Paragraph in the event of a medical emergency or if an

1 incarcerated woman presents an immediate risk of harm to herself or others.

2 (3) A male correctional officer shall announce his presence upon entering
 3 a housing unit for incarcerated women.

4 (4) If a male correctional officer conducts a pat-down search or body
 5 cavity search or enters a prohibited area in an emergency situation as provided
 6 in Paragraphs (1) and (2) of this Subsection, the custodian or an employee of the
 7 correctional facility shall document the incident, including the circumstances
 8 necessitating the male officer's actions, no later than three days after the
 9 incident. The custodian shall review and retain all documentation.

10 D. The Department of Public Safety and Corrections shall promulgate
 11 rules and regulations in accordance with the Administrative Procedure Act to
 12 effectuate the provisions of this Section.

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

SB 558 Reengrossed

2018 Regular Session

Barrow

Proposed law defines "custodian" as a warden, sheriff, deputy sheriff, law enforcement officer, employee of a correctional facility, or any other person having actual custody of an incarcerated person.

Proposed law defines "correctional facility" as facilities operated by a political subdivision, facilities operated by private entities, and facilities owned or operated by the state or the Louisiana Correctional Facilities Corporation that houses offenders sentenced to the custody of the Department of Public Safety and Corrections.

Proposed law defines "correctional officer" as any employee of a correctional facility.

Proposed law defines "state of undress" as not dressed or not fully dressed.

Proposed law provides that a custodian shall make certain healthcare products available to all women incarcerated in a correctional facility at no cost and in a quantity that is appropriate to the needs of the woman without a medical permit. Further, provides that a woman need not be diagnosed with an illness to have access to healthcare products.

Proposed law provides that custodians shall make healthcare products available in housing units and in the medical area of a correctional facility.

Proposed law provides that a male correctional officer shall not conduct a pat-down search or body cavity search on an incarcerated woman unless the woman presents an immediate risk of harm to herself or others and a female correctional officer is not available.

Proposed law provides that a male correctional officer shall not enter into an area of the

correctional facility in which incarcerated women may be in a state of undress or an area where incarcerated women in a state of undress may be viewed. Further provides that if a female correctional officer is not available or if a female correctional officer requires assistance, a male correctional officer may enter into such area in the event of a medical emergency or if an incarcerated woman presents an immediate risk of harm to herself or others.

Proposed law provides that a male correctional officer shall announce his presence upon entering a housing unit for incarcerated women.

Proposed law provides that if a male correctional officer conducts a pat-down search or body cavity search or enters a prohibited area in an emergency situation, the custodian or an employee of the correctional facility shall document the incident, including the circumstances necessitating the male officer's actions, no later than three days after the incident.

Effective August 1, 2018.

(Adds R.S. 15:892.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds definition of "state of undress" as not dressed or not fully dressed.
2. Makes technical corrections.