

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

BY SENATORS BARROW, ALARIO, APPEL, GATTI, MILKOVICH, PRICE AND GARY SMITH AND REPRESENTATIVES AMEDEE, BRASS, CARPENTER, COX, EMERSON, GLOVER, HAZEL, JACKSON, JEFFERSON, LYONS, MARCELLE, NORTON, PEARSON, PIERRE, SMITH, STOKES AND WHITE

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 facility
5 employees; to provide for definitions; to provide for applicability; and to provide for
6 related 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. Standards and requirements for the incarceration of 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, or law**
13 **enforcement officer.**

14 **(2) "Correctional facility" means any jail, prison, penitentiary, juvenile**
15 **institution, temporary holding center, or detention facility.**

16 **(3) "Correctional facility employee" means any employee of a**
17 **correctional facility.**

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

19 **B.(1) A custodian shall make healthcare products available to all women**
20 **incarcerated in a correctional facility at no cost and in a quantity that is**
21 **appropriate to the needs of the woman without a medical permit. Custodians**
22 **shall not require that a woman be diagnosed with an illness to access healthcare**
23 **products. Custodians shall make healthcare products available in housing units**

1 and in the medical area of a correctional facility.

2 (2) Healthcare products, as used in this Section, shall include all of the
3 following:

4 (a) Feminine hygiene products.

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

6 (c) Toothbrushes.

7 (d) Toothpaste.

8 (e) Any other healthcare product the custodian deems appropriate.

9 C.(1) A male correctional facility employee shall not conduct a pat-down
10 search or body cavity search on an incarcerated woman unless the woman
11 presents an immediate risk of harm to herself or others and a female
12 correctional facility employee is not available.

13 (2) A male correctional facility employee shall announce his presence
14 upon entering a housing unit for incarcerated women.

15 (3) A male correctional facility employee shall not enter into an area of
16 the correctional facility in which incarcerated women may be in a state of
17 undress or an area where incarcerated women in a state of undress may be
18 viewed including but not limited to restrooms, shower areas, or medical
19 treatment areas. If a female correctional facility employee is not available or if
20 a female correctional facility employee requires assistance, a male correctional
21 facility employee may enter into an area as provided in this Paragraph in the
22 event of a medical emergency or if an incarcerated woman presents an
23 immediate risk of harm to herself or others.

24 (4) If a male correctional facility employee conducts a pat-down search
25 or body cavity search or enters a prohibited area in an emergency situation as
26 provided in Paragraphs (1) and (3) of this Subsection, the custodian or a
27 correctional facility employee shall document the incident, including the
28 circumstances necessitating the male correctional facility employee's actions, no
29 later than three days after the incident. The custodian shall review and retain
30 all documentation.

1 **D. The Department of Public Safety and Corrections shall promulgate**
2 **rules and regulations in accordance with the Administrative Procedure Act to**
3 **effectuate the provisions of this Section.**

4 Section 2. This Act shall be known as the "Dignity for Incarcerated Women Act".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____