

2026 Regular Session

SENATE BILL NO. 470

BY SENATORS MIZELL, ABRAHAM, BARROW, BOUDREAUX, CLOUD, FESI,
HODGES, JACKSON-ANDREWS, MYERS, PRICE AND STINE

HEALTH CARE. Provides relative to pregnant women in custody. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:744.3(A), the introductory paragraph of 744.3(B) and

3 744.3(C)(3), and 744.5(2) and to enact R.S. 15:744.5(7) and 744.9 and Code of

4 Criminal Procedure Arts. 893(A)(5), 894.1(B)(34), and 894.6, relative to pregnant

5 women; to require pregnancy tests at correctional facilities; to provide relative to the

6 use of restraints on pregnant and postpartum prisoners; to provide for consideration

7 of pregnancy at sentencing; to provide for certain conditions of probation; to provide

8 for limitations; to provide for legislative findings; to provide for an effective date;

9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:744.3(A), the introductory paragraph of 744.3(B) and 744.3(C)(3),

12 and 744.5(2) are hereby amended and reenacted and R.S. 15:744.5(7) and 744.9 are hereby

13 enacted to read as follows:

14 §744.3. Restraint during ~~childbirth~~ **pregnancy and postpartum recovery**

15 A. Restraints shall not be used on a pregnant prisoner while she is in labor

16 and during delivery unless a member of the medical staff orders therapeutic restraints

17 for a prisoner who, due to a psychiatric or medical disorder, is a danger to herself,

1 her child, her unborn child, or other persons. ~~For purposes of this Section,~~
2 ~~"therapeutic restraints" shall not include metal handcuffs or shackles.~~

3 B. No restraints shall be used on a prisoner known to be pregnant during any
4 pregnancy-related medical distress, or while she is being transported to a medical
5 facility or the Louisiana Correctional Institute for Women for **prenatal care,**
6 **delivery,** or any pregnancy-related medical distress, or during postpartum recovery,
7 unless there are compelling grounds to believe that the prisoner presents either of the
8 following:

9 * * *

10 C. Notwithstanding the provisions of Subsection B of this Section:

11 * * *

12 (3) Under no circumstances shall waist restraints **or shackles** be used on any
13 **pregnant** prisoner during transportation to a medical facility or postpartum recovery.

14 * * *

15 §744.5. Definitions

16 For purposes of this Part:

17 * * *

18 (2) "Postpartum" means the period following delivery before a prisoner or
19 detainee has been discharged from a medical facility **that begins immediately after**
20 **childbirth and lasts for no less than six weeks. The medical professional treating**
21 **the pregnant prisoner after childbirth may extend the postpartum period**
22 **beyond six weeks based on his medical judgment if it is medically necessary to**
23 **ensure recovery.**

24 * * *

25 (7) **"Therapeutic restraint" means flex cuffs or soft restraints.**

26 * * *

27 **§744.9. Pregnancy testing**

28 **A. During the intake process at every state and local correctional facility,**
29 **a pregnancy test shall be offered to each woman aged fifty-five years or younger**

1 who is arrested and taken into custody.

2 B. The woman's consent or refusal to take a pregnancy test and the
3 result of any test administered shall be documented.

4 C. The Louisiana Department of Health shall identify available
5 pregnancy test funding sources from nonprofit organizations or federal grants
6 for the purposes of this Section.

7 D. For purposes of this Section, "correctional facility" includes state,
8 parish, and municipal facilities including jails, detention centers, and prisons.

9 Section 2. Code of Criminal Procedure Arts. 893(A)(5), 894.1(B)(34), and 894.6 are
10 hereby enacted to read as follows:

11 Art. 893. Suspension and deferral of sentence and probation in felony cases

12 A.(1)(a) * * *

13 * * *

14 (5) In determining whether to suspend the imposition or execution of
15 sentence and place a defendant on probation, the court may consider, among
16 other relevant factors, whether the defendant is pregnant at the time of
17 sentencing and whether participation in a medically appropriate prenatal care
18 program, residential treatment program, or substance use disorder treatment
19 program would serve the interests of justice and public safety, consistent with
20 existing law.

21 * * *

22 Art. 894.1. Sentencing guidelines; generally

23 * * *

24 B. The following grounds, while not controlling the discretion of the court,
25 shall be accorded weight in its determination of suspension of sentence or probation:

26 * * *

27 (34) Whether the defendant is pregnant at the time of sentencing and
28 whether an alternative sentence involving community-based supervision and
29 participation in a prenatal care, maternal health, or substance use disorder

1 treatment program would be appropriate, consistent with existing law.

2 * * *

3 Art. 894.6. Sentencing considerations and conditions of probation for pregnant
4 defendants

5 A. Nothing in this Article shall be construed to authorize the suspension
6 of sentence or probation for any offense for which such relief is otherwise
7 prohibited by law. This Article shall not be interpreted to expand or modify
8 eligibility for probation or suspension of sentence.

9 B. For any defendant who is pregnant at the time of sentencing and is
10 otherwise eligible for suspension of sentence or probation under existing law,
11 the court may consider the provisions of this Article.

12 C. For a defendant described in Paragraph B of this Article, the court
13 may suspend the imposition or execution of sentence and place the defendant
14 on probation in accordance with existing law, and may require, as a condition
15 of probation, that the defendant:

16 (1) Participate in and successfully complete a court-approved prenatal
17 care program, pregnancy support program, or maternal health program.

18 (2) Participate in and successfully complete a residential or outpatient
19 substance use disorder treatment program, including medically supervised
20 detoxification when appropriate.

21 (3) Comply with all recommended prenatal and postnatal medical care.

22 (4) Participate in parenting education, life skills training, or case
23 management services as deemed appropriate by the court.

24 (5) Comply with any additional conditions of probation authorized by
25 law.

26 D. In determining whether to impose a sentence pursuant to this Article,
27 the court shall consider public safety, the nature of the offense, the criminal
28 history of the defendant, and the availability of appropriate programs.

29 E. The Louisiana Department of Health shall maintain and make

1 available to courts, upon request, a list of publicly and privately available
 2 programs that may satisfy the requirements of this Article.

3 Section 3.(A) The legislature hereby finds and declares that the state of Louisiana has
 4 a compelling interest in protecting maternal health, promoting healthy births, and supporting
 5 family stability.

6 (B) Pregnant defendants in the criminal justice system may present unique medical
 7 and rehabilitative needs that can, in appropriate cases, be addressed through
 8 community-based supervision and treatment.

9 (C) It is the intent of the legislature to ensure that courts may consider pregnancy as
 10 a relevant factor at sentencing and, where a defendant is otherwise eligible under existing
 11 law, utilize appropriate alternatives to incarceration.

12 (D) Nothing in this Act is intended to expand or modify eligibility for probation or
 13 suspension of sentence as otherwise provided by law.

14 Section 4. This Act shall become effective upon signature by the governor or, if not
 15 signed by the governor, upon expiration of the time for bills to become law without signature
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 18 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Senate Legislative Services.
 The keyword, summary, and digest do not constitute part of the law or proof
 or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

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Present law allows the use of therapeutic restraints on a prisoner during childbirth.

Proposed law applies present law to prisoners during both the pregnancy and postpartum
 recovery period. Proposed law also prohibits the use of shackles on a pregnant prisoner.
Proposed law otherwise retains present law.

Present law defines "postpartum".

Proposed law changes the definition of "postpartum" by extending the postpartum period and
 defines "therapeutic restraint".

Proposed law requires every state and local correctional facility, during the intake process,
 to offer a pregnancy test to any woman that is 55 years of age or younger who is arrested and

taken into custody. Proposed law also provides that the La. Dept. of Health will identify funding sources from nonprofit organizations or federal grants for pregnancy tests and maintain certain records relating thereto.

Present law allows the court to suspend the sentences for individuals convicted of certain noncapital felonies and to place the defendant on probation.

Proposed law authorizes the court to consider whether the defendant is pregnant at the time of sentencing and whether participation in a medically appropriate prenatal care program, residential treatment program, or substance use disorder treatment program would serve the interests of justice and public safety.

Present law requires the court to accord weight to certain grounds in its determination of suspension of sentence or probation.

Proposed law adds the consideration of whether a defendant is pregnant at the time of sentencing and whether an alternative sentence involving community-based supervision and participation in a prenatal care, maternal health, or substance use disorder treatment program would be appropriate.

Proposed law establishes sentencing considerations and conditions of probation for pregnant defendants.

Proposed law requires the La. Dept. of Health to maintain and make available to courts, upon request, a list of publicly and privately available programs that may satisfy the requirements of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:744.3(A), (B)(intro para), and (C)(3), and 744.5(2); Adds R.S. 15:744.5(7) and 744.9, and C.Cr.P. Arts. 893(A)(5), 894.1(B)(34), and 894.6)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide relative to restraining a prisoner during pregnancy and postpartum recovery.
2. Extend the time period recognized as being part of the postpartum period.
3. Define "therapeutic restraint".
4. Require correctional facilities to offer pregnancy tests to women that are 55 years of age or younger.

Senate Floor Amendments to engrossed bill

1. Specify that LDH will pursue certain sources of funding for pregnancy tests.