

RÉSUMÉ DIGEST

ACT 520 (SB 470)

2026 Regular Session

Mizell

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

New law applies existing law to prisoners during both the pregnancy and postpartum recovery period but prohibits the use of shackles on a pregnant prisoner.

New law otherwise retains existing law.

Existing law defines "postpartum".

New law changes the definition of "postpartum" by extending the postpartum period. New law further defines "therapeutic restraint".

New 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. New law further 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.

Existing law allows the court to suspend the sentence for an offender convicted of certain noncapital felonies and to place the offender on probation.

New law provides that the court may consider whether the offender 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.

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

New law retains existing law and adds that 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 will be accorded weight in its determination of suspension of sentence or probation.

New 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 new law.

Effective May 29, 2026.

(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)