

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

26 committing a new offense or violates conditions of
 27 probation; amending s. 944.24, F.S.; requiring the
 28 Department of Corrections to collect specified
 29 information relating to births during a woman's term
 30 of imprisonment and the health of pregnant inmates;
 31 requiring the department to submit an annual report;
 32 requiring exclusion of personally identifying
 33 information; providing an effective date.

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35 Be It Enacted by the Legislature of the State of Florida:

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

38 Section 2. Section 907.033, Florida Statutes, is created
 39 to read:

40 907.033 Pregnancy testing of female arrestees.-

41 (1)(a) Every female who is arrested and detained in either
 42 a county detention facility or a municipal detention facility,
 43 as those terms are defined in s. 951.23(1), or a detention
 44 center or facility, as defined in s. 985.03(19), must:

45 1. Upon her initial booking into the facility, be informed
 46 of her right to request a pregnancy test if she is still in
 47 custody 72 hours after her arrest.

48 2. If she is still in custody 72 hours after her arrest,
 49 upon request, be administered a pregnancy test within 24 hours
 50 after making such request.

51 (b) A facility must timely inform the female of the
52 results of the pregnancy test.

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

56 Section 3. Section 925.13, Florida Statutes, is created to
57 read:

58 925.13 Sentence deferral for pregnant women.—

59 (1)(a) Notwithstanding any other law, a pregnant woman who
60 is before the court for a felony offense for which the court is
61 authorized to impose a term of incarceration in a state
62 correctional institution, as defined in s. 944.02, may, at any
63 time before the imposition of her sentence by the court,
64 petition the sentencing court to defer the incarcerative portion
65 of her sentence for up to 12 weeks after the pregnant woman
66 gives birth to a child or the pregnancy ends, whichever occurs
67 sooner.

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

74 (c) In determining whether to grant a petition for
75 sentence deferral, the sentencing court must consider the

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

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

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

99 Section 4. Subsection (7) is added to section 944.24,
100 Florida Statutes, to read:

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101 944.24 Administration of correctional institutions for
102 women.—

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

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

110 2. The gestational age and birth weight of each infant
111 born during the mother's term of imprisonment.

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

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

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

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