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 DIGEST

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SB 558 Reengrossed

2018 Regular Session

Barrow

Proposed law requires the custodian of a correctional facility to make certain healthcare products available, in housing units and in the medical area, 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 defines "custodian" as a warden, sheriff, deputy sheriff, or law enforcement officer; defines "correctional facility" as any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility; defines "correctional facility employee" as any employee of a correctional facility; and defines "state of undress" as not dressed or not fully dressed.

Proposed law provides that a male correctional facility employee 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 facility employee is not available.

Proposed law provides that a male correctional facility employee 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 facility employee is not available or if a female correctional facility employee requires assistance, a male correctional facility employee 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 facility employee shall announce his presence upon entering a housing unit for incarcerated women.

Proposed law provides that if a male correctional facility employee 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 correctional facility employee's actions, no later than three days after the incident.

Effective Aug. 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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Remove "employee of a correctional facility or any other person having actual custody of an incarcerated person" from the definition of "custodian".

2. Amend the definition of "correctional facility" to mean any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility.
3. Change the term "correctional officer" to "correctional facility employee" throughout proposed law.
4. Remove "body lotion" from the list of items included as healthcare products.
5. Provides that proposed law shall be known as the "Dignity for Incarcerated Women Act".
6. Make technical amendments.