

2026 Regular Session

SENATE BILL NO. 470

BY SENATOR MIZELL

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

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AN ACT

To enact R.S. 15:744.9 and Code of Criminal Procedure Arts. 893(A)(5), 894.1(B)(34), and 894.6, relative to pregnant women; to require pregnancy tests at correctional facilities; to provide for consideration of pregnancy at sentencing; to provide for certain conditions of probation; to provide for limitations; to provide for legislative findings; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:744.9 is hereby enacted to read as follows:

§744.9. Pregnancy testing

A pregnancy test shall be administered for any woman arrested and taken into custody during the intake process at every state and local correctional facility. For purposes of this Section, "correctional facility" includes state, parish, and municipal facilities including jails, detention centers, and prisons.

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

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

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

2 * * *

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

10 * * *

11 Art. 894.1. Sentencing guidelines; generally

12 * * *

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

15 * * *

16 (34) Whether the defendant is pregnant at the time of sentencing and
17 whether an alternative sentence involving community-based supervision and
18 participation in a prenatal care, maternal health, or substance use disorder
19 treatment program would be appropriate, consistent with existing law.

20 * * *

21 Art. 894.6. Sentencing considerations and conditions of probation for pregnant
22 defendants

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

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

1 **C. For a defendant described in Paragraph B of this Article, the court**
2 **may suspend the imposition or execution of sentence and place the defendant**
3 **on probation in accordance with existing law, and may require, as a condition**
4 **of probation, that the defendant:**

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

7 **(2) Participate in and successfully complete a residential or outpatient**
8 **substance use disorder treatment program, including medically supervised**
9 **detoxification when appropriate.**

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

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

13 **(5) Comply with any additional conditions of probation authorized by**
14 **law.**

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

18 **E. The Louisiana Department of Health shall maintain and make**
19 **available to courts, upon request, a list of publicly and privately available**
20 **programs that may satisfy the requirements of this Article.**

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

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

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

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

3 Section 4. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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

SB 470 Original 2026 Regular Session Mizell

Proposed law requires the administration of a pregnancy test for any woman arrested and taken into custody during the intake process at every state and local correctional facility.

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.

(Adds R.S. 15:744.9 and C.Cr.P. Arts. 893(A)(5), 894.1(B)(34), and 894.6)