**South Carolina General Assembly**

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**S. 385**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Devine

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Currently residing in the Senate Committee on **Corrections and Penology**

Summary: Women's Childbirth Alternatives, Resources, and Education Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2025 Senate Introduced and read first time ([Senate Journal‑page 3](h:\sj\20250226.docx))

2/26/2025 Senate Referred to Committee on **Corrections and Penology** ([Senate Journal‑page 3](h:\sj\20250226.docx))

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**VERSIONS OF THIS BILL**

[02/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/385_20250226.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “WOMEN’S CHILDBIRTH ALTERNATIVES, RESOURCES, AND EDUCATION (CARE) ACT” BY ADDING ARTICLE 21, CHAPTER 13 TO TITLE 24 SO AS TO PROVIDE FOR PREGNANCY TESTING OF CERTAIN WOMEN AFTER ADMISSION TO CERTAIN INCARCERATION FACILITIES, THE SUPERVISED PREINCARCERATION PROBATION OF PREGNANT WOMEN UNDER CERTAIN CIRCUMSTANCES, THE SELF SURRENDER OF WOMEN SERVING PREINCARCERATION TERMS OF PROBATION TWELVE WEEKS AFTER THE BIRTH OF THEIR CHILDREN, CRIMINAL PENALTIES FOR FAILURE TO SURRENDER, PROCEDURES FOR WOMEN TO FOLLOW IF THEY LOSE THEIR PREGNANCIES WHILE ON PREINCARCERATION PROBATION, AND CERTAIN REPORTING REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Women’s Childbirth Alternatives, Resources, and Education (CARE) Act.”

SECTION 2. Chapter 13, Title 24 of the S.C. Code is amended by adding:

Article 21

Women’s Childbirth Alternatives, Resources, and Education (CARE) Act

Section 24‑13‑2210. (A) Each woman, upon arriving at a state correctional facility, local detention facility, prison camp, or work camp shall inform the individual conducting the initial intake medical screening whether she is pregnant or suspects that she may be pregnant. Upon providing that information, the woman shall be given a urine pregnancy test within three days of her initial intake medical screening, unless the woman declines testing. The results of the pregnancy test must be used solely for the purpose of determining pregnancy.

(B) If a woman given a pregnancy test pursuant to subsection (A) tests positive for pregnancy, the result must be reported to the court and the county health department. After receiving the report of the positive pregnancy test, the court shall release the woman on bail, provided that the court determines that the pregnant woman does not pose a significant threat of danger to herself, to any person, to the community, or to any property within the community.

Section 24‑13‑2220. (A)(1) At the time of sentencing, when a pregnant woman has been sentenced to a term of imprisonment, the court shall include a term of probation that must be served preincarceration, provided that the court determines the pregnant woman does not pose a significant threat or danger to herself, to any person, to the community, or to any property in the community.

(2) The court shall allow a pregnant woman to be supervised on a preincarceration term of probation for the length of her pregnancy and for twelve weeks after the birth of her child. The woman shall surrender herself to the Department of Corrections, county jail, or local detention facility, as applicable, twelve weeks after the birth of her child.

(B) Failure of a woman serving a preincarceration term of probation to surrender herself to the Department of Corrections, the county jail, or local detention facility, as applicable, twelve weeks after the birth of her child is a Class A misdemeanor.

(C)(1) The payment of fines, fees, restitution, or probation fees shall be suspended during a preincarceration term of probation served under this section.

(2) Supervision for a preincarceration term of probation must be conducted by telephone or other electronic communication.

(3) The court’s jurisdiction during a preincarceration term of probation shall be the same as set forth in this title.

(D) Time served in a preincarceration term of probation pursuant to this section must be credited to the woman’s sentence or disposition.

(E) A pregnant woman serving a preincarceration term of probation shall maintain perinatal healthcare, treatment, and assessments and participate in education and resource programs to the extent that they are available in her community.

(F) A pregnant woman serving a preincarceration term of probation shall report any pregnancy loss to her probation officer within seventy‑two hours of the loss. The court shall have discretion to determine when a woman loses a pregnancy during a preincarceration term of probation and must surrender herself to the Department of Corrections, county jail, or local detention facility.

(G) Commencing on January 1, 2026, and annually thereafter, every state correctional facility, local detention facility, prison camp, and work camp institution shall report to the Department of Health and Human Services:

(1) data collected pursuant to subsection (F);

(2) the number of women incarcerated;

(3) the number of pregnant women incarcerated; and

(4) the number of women who declined deferred sentencing.

(H) The report contained in subsection (G) shall exclude patient identifying information and must be compliant with state and federal laws regarding confidentiality including the requirements of the federal Health Insurance Portability and Accountability Act of 1996.

SECTION 3. This act takes effect upon approval by the Governor.

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