

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
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PRINCIPAL CLERK

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SENATE BILL DRS35240-ND-82

Short Title: The Women's Care Act.

(Public)

Sponsors: Senator Grafstein (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REQUIRE A COURT TO TEMPORARILY DEFER THE IMPRISONMENT OF
A PREGNANT PERSON THAT IS FOUND NOT TO BE A THREAT TO THE
COMMUNITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 148-25.2 reads as rewritten:

"§ 148-25.2. Care for female incarcerated persons related to pregnancy, childbirth, and postpartum recovery.

...

(l) Sentence Deferred. – Notwithstanding any provision of law to the contrary, at the time of sentencing a pregnant female person, when the court's sentence includes a term of imprisonment and the court has determined the pregnant female person poses no significant threat or danger to any person, to the community, or to any property in the community, the court shall have the sentence deferred until at least 12 weeks after the delivery of the child or the end of the pregnancy, whichever occurs first.

During the sentence deferment under this subsection, the pregnant female person shall maintain perinatal healthcare, treatment, and assessments and shall participate in education and resource programs to the extent that these programs are available in the community or from the Department of Health and Human Services. The pregnant female person shall report to the court monthly via telephone and check in electronically through a website link providing confirmation of perinatal healthcare and personal contact information and contact information of utilized education and resource programs.

The court shall allow the pregnant female person to be supervised on probation prior to incarceration for at least a period of 12 weeks and up to a period of 12 months after delivery or the end of the pregnancy, whichever occurs first, before the pregnant female person shall surrender themselves to the Department of Adult Correction. If, upon being ordered by the court, the woman fails to surrender themselves to the Department of Adult Correction, the female person may be prosecuted for this failure to surrender in any manner authorized by law.

The court shall allow the female person to serve a term of probation prior to incarceration under this subsection without the payment of fines, fees, restitution, and probation fees and shall allow supervision to be conducted by phone or other electronic communications. During this term of supervised probation, the pregnant female person shall maintain perinatal healthcare, treatment, and assessments and shall participate in education and resource programs to the extent these programs are available in the pregnant female person's community or from the Department of Health and Human Services and shall provide monthly reporting of her perinatal healthcare information to the pregnant female person's probation officer.



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1 The pregnant female person shall report the loss of the pregnancy for any reason to the court
2 and to the pregnant female person's probation officer within 72 hours of the loss. The court's
3 jurisdiction during the period of probation shall be the same as set forth in these circumstances
4 under Article 82 of Chapter 15A of the General Statutes. The time spent on pre-incarceration
5 supervised probation shall be credited to the sentence or disposition imposed.

6 (m) Beginning March 1, 2026, and annually thereafter, every prison and local
7 confinement facility in the State shall report to the Department of Health and Human Services
8 all of the following information for that prison or local confinement facility during the prior
9 calendar year:

10 (1) The total number of female persons that were incarcerated.

11 (2) The total number of pregnant female persons that were incarcerated.

12 (3) The total number of female incarcerated persons that declined pregnancy
13 testing.

14 (4) The total number of pregnant female persons that declined a deferred sentence
15 pursuant to subsection (l) of this section.

16 The report required by this subsection shall comply with State and federal law regarding the
17 privacy of patient identifying information, including at a minimum the requirements imposed by
18 the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996."

19 **SECTION 2.** This act is effective when it becomes law and applies to sentences
20 issued on or after that date.