

Regulating Restrictive Housing:  
State and Federal Legislation on Solitary Confinement as of July 1, 2019  
A Research Brief

The Liman Center at Yale Law School<sup>1</sup>

This research memorandum provides an overview of state and federal legislation on restrictive housing. The focus is on proposals since January of 2018 through July 1<sup>st</sup>, 2019.<sup>2</sup> In brief, we identified twenty-seven states and the federal government that have proposed or enacted legislation to regulate the use of restrictive housing. Below, we summarize the findings and then detail each of the statutes enacted or pending.

Three prefatory notes are in order. First, to locate statutes, we searched each state legislative databases and used other legal search engines. We should also note that the topics under which legislation was enacted vary. Some statutes focus solely on restrictive housing, while others address restrictive housing as part of a bill on criminal justice reform in general or on appropriations. In addition, given that other organizations are also working on related topics, we circulated drafts to learn if we had missed statutes that others knew were pending or enacted.

Second, the terms of the bills vary, as some use the words “solitary confinement,” while others address “restrictive housing” or “segregation.” Definitions of the practices to be regulated also vary. Many states define the practice as confinement to a cell for over 22 hours per day. New Mexico adds to that definition “without daily, meaningful and sustained human interaction.”<sup>3</sup> Washington instead refers to “the placement of an offender in a locked room or cell alone with minimal or no contact with persons other than guards, facility staff, and attorneys.”<sup>4</sup> Virginia refers to “special-purpose bed assignments operated under maximum security regulations and procedures, and utilized under proper administrative process, for the personal protection or custodial management of offenders.”<sup>5</sup> Maryland excludes what it terms “separation that has not been requested by the inmate.”<sup>6</sup>

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<sup>2</sup> For discussion of legislative efforts before then, see ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS & ARTHUR LIMAN PUBLIC INTEREST PROGRAM AT YALE LAW SCHOOL, REFORMING RESTRICTIVE HOUSING: THE 2018 ASCA-LIMAN NATIONWIDE SURVEY OF TIME-IN-CELL (Oct. 2018), *available at* [https://law.yale.edu/system/files/area/center/liman/document/asca\\_liman\\_2018\\_restrictive\\_housing\\_revised\\_sept\\_25\\_2018.pdf](https://law.yale.edu/system/files/area/center/liman/document/asca_liman_2018_restrictive_housing_revised_sept_25_2018.pdf).

<sup>3</sup> HB 394, 2019 Leg. Reg. Sess. (N.M. 2019)

<sup>4</sup> HB 2080, 2019 Leg. Reg. Sess. (Wash 2019).

<sup>5</sup> SB 1777, HB 1642, 2019 Leg. Reg. Sess. (Va. 2019).

<sup>6</sup> SB 774, HB 1001, 2019 Leg., Reg. Sess. (Md. 2019).

Third, we have grouped the discussion by legislation imposing regulations on the use of solitary confinement and then by legislation requiring public disclosures of information. In some jurisdictions, legislation did both.

To summarize the legislative landscape as of July 1, 2019, we located eight states (Arkansas, Georgia, Maryland, Massachusetts, Minnesota, Montana, New Jersey, and Texas) that have enacted legislation limiting the use of restrictive housing. Massachusetts, Minnesota, Montana, and New Jersey passed general restrictions on the use of solitary confinement. The bills in Arkansas, Georgia, Maryland, and Texas relate to specific subpopulations of prisoners: pregnant women and individuals under age 18 or under age 21. In addition, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, and Virginia, as well as the federal government, enacted legislation requiring data collection in restrictive housing.

In terms of substantive limits, New Jersey's legislation (signed by the Governor in early July) prohibits "isolated confinement" for "vulnerable populations."<sup>7</sup> The legislation defines those populations to include prisoners under age 22; over age 64; with mental illness, developmental disabilities, or a serious medical condition; who are pregnant or postpartum; who have a "significant auditory or visual impairment"; or who are "perceived to be" LGBTI. The legislation also prohibits placement for "non-disciplinary reasons," unless there is a "substantial risk of serious harm" to the prisoner or others. In addition, isolation may not be used under conditions or for periods of time that "foster psychological trauma," psychiatric disorders, or "serious, long-term damage" to the prisoner's brain. New Jersey also provides that a prisoner may not be placed in restrictive housing for more than 20 consecutive days or for more than 30 days in a 60 day period. In addition, the legislation mandates medical and mental health reviews before placement and, procedures to contest confinement, and the statute provides minimum standards for cells and requires access to recreation, education, treatment, and social interaction outside of cells.

Massachusetts passed legislation prohibiting the use of restrictive housing for prisoners with serious mental illness and for pregnant prisoners, as well as on the basis of LGBTQ identification or for a prisoner's own protection.<sup>8</sup> In addition, the law bans placement, absent extenuating circumstances, of a prisoner in restrictive housing if that person is within 120 days of release from prison. The legislation requires mental health screening before placement, and regular placement reviews, as well as regular data collection and reporting. For prisoners in solitary confinement, the law requires mental health rounds; access to visits, communication, reading, and writing materials; access to programs; regular showers; and meals "that meet the same standards" for general population.

Montana's 2019 legislation requires restrictive housing be used only "as a response to the most serious and threatening behavior," and "for the shortest time possible," and with the "least restrictive conditions possible."<sup>9</sup> Solitary confinement is banned, absent extenuating circumstances, for pregnant prisoners, for youth if placement is 24 hours or more, and for prisoners

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<sup>7</sup> A 314, S 3261, 2018-2019 Leg., Reg. Sess. (N.J. 2019).

<sup>8</sup> S 2371, 2018 Leg., Reg. Sess. (Mass. 2018).

<sup>9</sup> HB 763, 2019 Leg., Reg. Sess. (Mont. 2019).

with a serious mental disorder if placement is for more than 14 days. Placement in solitary may not exceed 22 hours a day. The bill also requires mental health appraisal within 72 hours of placement, as well as status review every week for the first 60 days. The law creates a requirement for step-down programming if placement exceeds 30 days. When in restrictive housing, prisoners must receive daily visits from the shift supervisor and a health care professional. They must also receive programs and services similar to the general population, the opportunity to write and receive letters and have visits, access to legal materials and to reading materials, regular exercise outside of the cell, regular opportunities to shower and shave, access to “non-degrading” clothing and basic personal items.

Minnesota’s legislation allows for placement in disciplinary segregation only for a prisoner who poses a “serious threat.”<sup>10</sup> The bill requires notification to the Commissioner of Correction for placement longer than 30 days, mental health screening within 24 hours of placement, and daily wellness rounds by health services staff. The law also requires living conditions “approximate” to those provided in general population; the statute also mandates that lighting in cells be reduced at night. In addition, prisoners must be provided step-down management and incentives to accelerate their return to general population. Prisoners may not be directly released to the community if they are placed in restrictive housing for 60 days or more.

Many of these states, as well as other jurisdictions, now require data collection on the use of solitary confinement. A common facet in seven states (Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, and Virginia) and the federal government is at least annual reporting of the number of prisoners held in restrictive housing. Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, and Virginia require information about the length of time that a person spends in restrictive housing. Massachusetts, Minnesota, New Mexico, and Virginia also seek demographic information, including race, age, sex, and/or mental illness. Massachusetts, Michigan, and Minnesota require information about prisoners with mental illness. Illinois, Massachusetts, and Virginia mandate reporting on the number of prisoners released from restrictive housing directly into the community. Minnesota and Virginia also require information about the disciplinary history of a person placed in solitary confinement. Massachusetts asks for information about rates of recidivism for those who spent time in restrictive housing. New Mexico mandates reporting about the reason for placement in restrictive housing and about monetary settlements paid to prisoners and their families related to restrictive housing in private prisons.

Pending but not enacted legislation in several states and Congress seeks to impose other limits on the use of restrictive housing. Bills proposed in twelve states that did not pass before the end of the 2019 session had proposals to prohibit the use of solitary confinement for juveniles, pregnant and postpartum women, or for the mentally ill. Other proposals aimed to place caps on the length of placement; to regulate conditions in restrictive housing; to provide hearings on placement in restrictive housing and establish committees to review placement in restrictive housing; to require regular health evaluations for individuals in restrictive housing; and to prohibit release of an individual from restrictive housing directly to the community. In one state (Connecticut), a bill proposed a complete prohibition on the use of solitary confinement.

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<sup>10</sup> SF 8, 2019 Leg., 1<sup>st</sup> Special Sess. (Minn. 2019).

In terms of pending legislation on reporting, examples include a statute pending in Massachusetts as of July 1, 2019, to require data collection on LGBTQI individuals in restrictive housing and on the use of force. Legislation seeking data on the use of restrictive housing were proposed but not enacted in the 2019 sessions in Arkansas, Vermont and Washington. These bills varied in terms of the type of data they aimed to require. Some proposals sought information on the number of violent incidents in restrictive housing, the resources spent on restrictive housing, the number of prisoners moved to mental health treatment from solitary confinement, the reason for placement in restrictive housing, whether required procedures were followed for each prisoner placed in restrictive housing, and whether programming was provided.

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We provide summaries of the enacted and proposed legislation to regulate restrictive housing and on data collection.

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**Legislation Limiting the Use of Restrictive Housing  
Enacted between January 1, 2019- July 1, 2019**

**Arkansas**     **HB 1755 An act concerning the punitive isolation or solitary confinement of individuals who are under eighteen (18) years of age**, 2019 Leg., Reg. Sess. (Ark. 2019), <http://www.arkleg.state.ar.us/assembly/2019/2019R/Pages/BillInformation.aspx?measureno=hb1755>

Enacted: April 12, 2019

Summary: Would prohibit the placement of juveniles in punitive isolation or solitary confinement for longer than 24 hours unless placement is due to an assault committed by the inmate, conduct that poses an imminent threat, or an attempted escape. Also would require that the director of the juvenile detention facility provide written authorization for every period of 24 hours during which a juvenile is held in solitary.

**Georgia**       **HB 345 An act relating to inmate policies**, 2019–20 Leg., Reg. Sess. (Ga. 2019), <http://www.legis.ga.gov/Legislation/en-US/display/20192020/HB/345>

Enacted: May 7, 2019

Summary: Would prohibit placement of a pregnant or immediately postpartum woman in solitary confinement, administrative segregation, or for medical observation in a solitary confinement setting.

**Maryland**     **SB 0809, HB 0745 An Act concerning Correctional Facilities – Restrictive Housing – Pregnant Inmates**, 2019 Leg., Reg. Sess. (Md. 2019), <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&tab=subject3&stab=01&id=sb0809&ys=2019RS>

Enacted: April 30, 2019

Summary: Would require that correctional units have policies in place dealing with involuntary restrictive housing for pregnant and post-partum women. Involuntary restrictive housing would be allowed for pregnant and post-partum women only when there is an individualized and written determination that restrictive housing is needed as a temporary response to behavior that poses a risk of physical harm or flight. Would require that pregnant/post-partum inmates in restrictive housing have regular examinations and access to the same services as the general population. Would require that as soon as a woman learns she is pregnant, she is informed of these policies related to pregnant inmates and restrictive housing.

**Montana**       **HB 763 An act to generally revise corrections laws**, 2019 Leg., Reg. Sess. (Mont. 2019), [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20191&P\\_BLTP\\_BILL\\_TYP\\_CD=HB&P\\_BILL\\_NO=763&P\\_BILL\\_DFT\\_NO=&P\\_CHPT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20191&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=763&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

Enacted: May 10, 2019

Summary: States that restrictive housing should only be used “as a response to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible.” Prohibits restrictive housing for longer than 22 hours in a 24-hour period. Prohibits placement of pregnant or post-partum women in restrictive housing unless

"exigent circumstances" exist and then limits placement to 24 hours. Prohibits placement based on "disability or mental disorder or on behavior that is the product of the inmate's disability or mental disorder unless the placement is after a prompt and appropriate evaluation by a qualified mental health professional." Requires a documented process for admission to restrictive housing, a status review every 7 days for the first 60 days and every 30 days thereafter. Requires that prisoners placed in restrictive housing receive orientation materials, including translations if necessary, and that staff members assist inmates with literacy problems. Requires that an inmate placed within restrictive housing get a mental health appraisal within 72 hours of placement and health assessments every 14 days thereafter for individuals with a "diagnosed behavioral or mental health disorder." Requires that inmates in restrictive housing receive daily visits from the shift supervisor and be observed every 30-60 minutes by correctional officers. Requires standard recordkeeping of those in restrictive housing, including notations of unusual behavior. Requires provision in restrictive housing of medication, non-degrading clothing, access to basic personal items, "the opportunity to shower and shave at least three times each week," laundry, barbering, and hair care services, "the opportunity to exchange clothing, bedding, and linen on the same basis as inmates in the general population." Requires "the opportunity to write and receive letters on the same basis as inmates in the general population," opportunities for visitations, access to legal and reading materials, and access to programs and services that are not significantly different than those in general population "for any reasons other than danger to life, health, or safety." Requires a minimum of 1 hour of exercise, 5 days a week, outside of cell. Prohibits restrictive housing in facilities that house youth inmates except for a period shorter than 24 hours "when necessary to protect the youth or others." Requires the creation of step-down programs and lists minimum standards for them.

**New Jersey A 314, S 3261 An Act Concerning Restrictions on Isolated Confinement in Correctional Facilities,** 2018-2019 Leg., Reg. Sess. (N.J. 2019),  
<https://www.njleg.state.nj.us/bills/BillView.asp>

Enacted: July 11, 2019

Summary: Defines "isolated confinement" as confinement "in a cell or similarly confined holding or living space, alone or with other inmates, for approximately 20 hours or more per day in a State correctional facility or 22 hours or more per day in a county correctional facility, with severely restricted activity, movement, and social interaction."

Provides that "isolated confinement should only be used when necessary, and should not be used against vulnerable populations," which include prisoners age 21 years old or younger; age 65 or older; who have a mental illness, developmental disability, or serious medical condition; who are pregnant or postpartum; who have a "significant auditory or visual impairment"; or who are "perceived to be lesbian, gay, bisexual, transgender, or intersex." Prohibits use of "isolated confinement" for "non-disciplinary reasons" and unless there is "substantial risk of serious harm" to the prisoner or to others. Prohibits "isolated confinement" "under conditions" or for time periods that "foster psychological trauma," psychiatric disorders, or "serious, long-term damage" to the prisoner's brain. Provides that confinement may not be for more than 20 consecutive days or more than 30 days in a 60-day period.

Requires medical and mental health review before placement. Implements procedures for review of placement and procedures for a prisoner to contest placement, including an “initial hearing within 72 hours of placement,” and “review every 30 days thereafter.” The final decision on placement is to be made by the facility administrator. Mental and physical evaluations are required daily to determine if a prisoner is a member of a vulnerable population.

Cells used for “isolated confinement” must be “properly ventilated, lit, temperature-monitored, clean, and equipped with properly functioning sanitary fixtures.” “A correctional facility shall maximize the amount of time that an inmate held in isolated confinement spends outside of the cell by providing, as appropriate, access to recreation, education, clinically appropriate treatment therapies, skill building activities, and social interaction with staff and other inmates.”

Prisoners “shall not be directly released from isolated confinement to the community during the final 180 days” of their term of incarceration unless necessary for safety reasons.

**Texas**            **HB 650 An act relating to female inmates of the Texas Department of Criminal Justice**, 2019 Leg., Reg. Sess. (Tex. 2019), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=86R&Bill=HB650>

Enacted: May 23, 2019

Summary: Would prohibit administrative segregation for pregnant inmates or inmates who have given birth in the last 30 days unless the director determines that the placement is necessary based on a reasonable belief that the inmate will harm herself, the child, or others.

**Legislation on Restrictive Housing Data Collection  
Enacted between January 1, 2018–July 1, 2019**

**Federal**

**S 756 The First Step Act of 2018**, 2017 Leg., Reg. Sess. (U.S. 2018),  
<https://www.congress.gov/bill/115th-congress/house-bill/5682/text?q=%7B%22search%22%3A%5B%22first+step+act%22%5D%7D>

Adopted: December 21, 2018

Summary: No definition of “solitary confinement” is given.

Requires annual reporting of “the number of prisoners who have been placed in solitary confinement at any time during the previous year.” Prohibits “room confinement” for juveniles (defined as “the involuntary placement of a covered juvenile alone in a cell, room, or area for any reason”) for any reason other than as a temporary response to the juvenile’s behavior that “poses a serious and immediate risk of physical harm to any individual . . .”

**States**

**Illinois**      **HB 4888 An Act Concerning Criminal Law**, 2018 Leg., Reg. Sess. (Ill. 2018),  
<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=4888&GAID=14&DocTypeID=HB&LegID=110279&SessionID=91&GA=100&SpecSess=0>

Enacted: August 18, 2018

Summary: No definition of “restrictive housing” is given.

Requires that “the Department of Corrections . . . collect and report . . . data on a rate per 100 of committed persons regarding violence within Department institutions . . . [for] committed persons in segregation, secured housing, and restrictive housing”; “data on average length of stay in segregation, secured housing, and restrictive housing”; “data on a rate per 100 of committed persons . . . [of] committed persons released directly from segregation secured housing and restrictive housing to the community.” Provides that data will be “included in the Department of Corrections quarterly report to the General Assembly.”

**Maryland**      **SB 774, HB 1001 An Act Concerning Correctional Services – Restrictive Housing – Reporting by Correctional Units and Requirements Relating to Minors**, 2019 Leg., Reg. Sess. (Md. 2019), <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=sb0774&tab=subject3&ys=2019RS>

Enacted: May 13, 2019

Summary: Defines “restrictive housing” as “a form of physical separation THAT HAS NOT BEEN REQUESTED BY THE INMATE in which the inmate is placed in a locked room or cell for approximately 22 hours or more out of a 24–hour period.”

Would require that “each correctional unit” (rather than just the Department of

Corrections as a whole) submit the annual report on restrictive housing, and that the reports be broken down by “unit” rather than by “facility.” Also would require that the risk a minor poses must be immediate and substantial (rather than immediate *or* substantial) to place them in restrictive housing.

**Massachusetts H 4800 An Act making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements**, 2018 Leg., Reg. Sess. (Mass. 2018), <https://malegislature.gov/Bills/190/H4800/BillHistory?pageNumber=1>

Enacted: July 26, 2018

Summary: No definition of “solitary confinement” is given.

Requires that “the Department [of Corrections] . . . submit biannual reports to the joint committee on the judiciary, the joint committee on public safety and homeland security and the house and senate committees on ways and means on the use of solitary confinement . . . [including] (a) the number of prisoners subjected to solitary confinement; (b) the length of time spent in solitary confinement; (c) the number of prisoners with mental illness subjected to solitary confinement delineated by diagnosis; (d) the number of prisoners 21 years of age or younger subjected to solitary confinement; (e) the number of prisoners subjected to multiple stays in solitary confinement in a given reporting period; (f) the number of prisoners released directly into the community from solitary confinement or released into the community not more than 30 days after having been in solitary confinement; and (g) the rate of recidivism for individuals that were subject to solitary confinement.

**S 2371 An Act Relative to Criminal Justice Reform**, 2018 Leg., Reg. Sess. (Mass. 2018), <https://malegislature.gov/Bills/190/S2371>

Enacted: April 13, 2018

Summary: “Restrictive housing” is defined as a “housing placement where a prisoner is confined to a cell for more than 22 hours per day; provided, however, that observation for mental health evaluation shall not be considered restrictive housing.”

Requires that people in restrictive housing receive similar access to services as those in general population. Requires mental health screening before placement in restrictive housing and limits placement of the mentally ill in restrictive housing to certain circumstances. Prohibits placement in restrictive housing of an inmate who is at risk of being harmed by others and instead requires that they be placed in a unit with the same conditions as general population. Prohibits the placement of pregnant prisoners in restrictive housing. Prohibits placement of LGBTQ individuals in restrictive housing simply because they are LGBTQ. Requires regular placement reviews for those in restrictive housing.

Requires that “the commissioner . . . publish monthly and provide directly to the oversight committee the number of prisoners held in each restrictive housing unit within each state

and county correctional facility.” Also requires that “the commissioner . . . publish a report quarterly and provide directly to the restrictive housing oversight committee, as to each restrictive housing unit within each state correctional facility, and annually, as to each restrictive housing unit within each county correctional facility: (i) the number of prisoners as to whom a finding of serious mental illness has been made and the number of such prisoners held for more than 30 days; (ii) the number of prisoners who have committed suicide or committed non-lethal acts of self-harm; (iii) the number of prisoners according to the reason for their restrictive housing; (iv) as to prisoners in disciplinary restrictive housing, a listing of prisoners with names redacted, including an anonymized identification number that shall be consistent across reports, age, race, gender and ethnicity, whether the prisoner has an open mental health case, the date of the prisoner’s commitment to discipline, the length of the prisoner’s term and a summary of the reason for the prisoner’s commitment; (v) the number of placement reviews conducted . . . and the number of prisoners released from restrictive housing as a result of such placement reviews; (vi) the length of original assignment to and total time served in disciplinary restrictive housing for each prisoner released from disciplinary restrictive housing as a result of a placement review; (vii) the count of prisoners released to the community directly or within 30 days of release from restrictive housing; (viii) the known disabilities of every prisoner who was placed in restrictive housing during the previous 3 months; (ix) the number of mental health professionals who work directly with prisoners in restrictive housing; (x) the number of transfers to outside hospitals directly from restrictive housing; and (xi) such additional information as the commissioner may determine.”

Prohibits placement in restrictive housing for longer than 5 days if release date is less than 120 days away unless the inmate poses a substantial and immediate threat. Establishes a restrictive housing oversight committee.

**Michigan SB 0848 An Act to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlay, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2018 and September 30, 2019 and for other fiscal years; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations**, 2018 Leg., Reg. Sess. (Mich. 2018), [http://www.legislature.mi.gov/\(S\(aaqdzh2qtrja2gqknyfc0e21\)\)/mileg.aspx?page=getobject&objectname=2018-SB-0848&query=on](http://www.legislature.mi.gov/(S(aaqdzh2qtrja2gqknyfc0e21))/mileg.aspx?page=getobject&objectname=2018-SB-0848&query=on)

Enacted: September 5, 2018

Summary: “Administrative segregation” is defined as “confinement for maintenance of order or discipline to a cell or room apart from accommodations provided for inmates who are participating in programs of the facility.”

Requires that “the department [of corrections] . . . report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the legislative corrections ombudsman, and the state budget office on the annual number of prisoners in administrative segregation between October 1, 2017 and September 30, 2018, and the annual number of prisoners in administrative segregation between October 1, 2017 and September 30, 2018 who at any time during their current or prior prison term were diagnosed with serious mental illness or a developmental disorder and the number of days

each of the prisoners with serious mental illness or a developmental disorder have been confined to administrative segregation.”

**Minnesota SF 8 Omnibus judiciary and public safety bill**, 2019 Leg., 1<sup>st</sup> Special Sess. (Minn. 2019), <https://www.revisor.mn.gov/bills/bill.php?b=senate&f=sf8&ssn=1&y=2019>

Enacted: May 30, 2019

Summary: No definition of “segregation” is given.

Would restrict reasons for segregation to rule violations, “serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution.” Living conditions must be “approximate to those [in] general population, including reduced lighting during nighttime hours. Would require that the Commissioner of Corrections receive on a monthly basis “notice of all offenders with consecutive placement in a restrictive housing setting for more than 30 days” and that “[i]n the event an offender is placed into restrictive housing for more than 120 days, the reason for the placement and the behavior management plan for the offender . . . be submitted to the commissioner of corrections.” Would require design of “graduated interventions” before and after placement in segregation, including “step-down management.” Would require consultation with mental health professional prisoner exhibits “serious symptoms of a mental illness that prevents the inmate from understanding or fully participating in the disciplinary process. Would require that prisoners be screened by health staff within 24 hours of placement in restrictive housing, and daily thereafter. Would require consultation with mental health professional on “appropriate treatment and placement.” Would require the implementation of a “system of incentives” for return to general population (so that good behavior can lead to accelerated return). Would prohibit release into the community of prisoners after a stay of 60 days or more in restrictive housing, “absent a compelling reason.”

Would require annual reporting to the legislature beginning in 2020 and annually thereafter of “(1) the number of inmates in each institution placed in segregation during the past year; (2) the ages of inmates placed in segregation during the past year; (3) the number of inmates transferred from segregation to the mental health treatment unit; (4) disciplinary sanctions by infraction; (5) the lengths of terms served in segregation, including terms served consecutively; and (6) the number of inmates by race in restrictive housing.”

**New Mexico HB 394 Restricted Housing Act**, 2019 Leg., Reg. Sess. (N.M. 2019),

<https://www.nmlegis.gov/Legislation/Legislation?Chamber=H&LegType=B&LegNo=364&year=19>

Enacted: April 3, 2019

Summary: “Restricted housing” is defined as “confinement of an inmate locked in a cell or similar living quarters in a correctional facility for twenty-two or more hours each day without daily, meaningful and sustained human interaction.”

Prohibits restrictive housing for inmates under 18 and inmates “known to be pregnant.”  
Prohibits restrictive housing for the seriously mentally disabled unless it is necessary to

prevent an imminent threat of physical harm, in which case it is permitted for up to 48 hours.

Requires that “every three months, each correctional facility...: produce a report that includes: (a) the age, gender and ethnicity of every inmate who was placed in restricted housing during the previous three months, including every inmate who is in restricted housing at the time the report is produced; (b) the reason restricted housing was instituted for each inmate listed in the report; and (c) the dates on which each inmate was placed in and released from restricted housing during the previous three months.” These reports must then be submitted “to the legislature, if the correctional facility is a prison” and to the “board of county commissioners of the county in which the correctional facility is located, if the facility is a jail.” The reports also must be posted to the corrections department’s public website. Also requires that “[e]very three months, every private correctional facility . . . submit[s] to the board of county commissioners of the county in which the private correctional facility is located and to the legislature a report of all monetary settlements that were paid to inmates, former inmates or inmates' estates as a result of lawsuits filed by the inmates, former inmates or inmates' estates against the private correctional facility or its employees related to the use of restricted confinement or any other reason.”

**Virginia**      **SB 1777, HB 1642 An Act relating to Department of Corrections; restrictive housing; data collection and reporting; report**, 2019 Leg., Reg. Sess. (Va. 2019), <http://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+SB1777>;  
<http://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+HB1642>

Enacted: March 18, 2019

Summary: “Restrictive housing” is defined as “special-purpose bed assignments operated under maximum security regulations and procedures, and utilized under proper administrative process, for the personal protection or custodial management of offenders.”

Requires that the Department of Corrections collect data on restrictive housing, and annually report it to the General Assembly, and publish it on the Department of Corrections website. Specifically requires reporting of the “average daily population in restrictive housing; the number of offenders who were placed in and the number of offenders who were released from restrictive housing; the age, sex, race, ethnicity, mental health code, medical class code, security level, and custody level classification of each offender in restrictive housing or a SAM unit; the disciplinary offense history preceding placement in restrictive housing or a SAM unit; the number of days each offender spent in restrictive housing; the number of offenders released from restrictive housing directly into the community; the number of full-time mental health staff; and any changes made during the reporting period to written policies or procedures of the Department [of Corrections] and each state correctional facility relating to the use of restrictive housing and SAM units.”

Also requires that restrictive housing comply at a minimum with the American Correctional Association's standards.

## Legislation Limiting the Use of Restrictive Housing Pending as of July 1, 2019

### Federal

#### **HR 1893 The Next Step Act**, 2019 Leg., Reg. Sess. (U.S. 2019),

<https://www.congress.gov/bill/116th-congress/house-bill/1893/text?q=%7B%22search%22%3A%5B%22hr+1893%22%5D%7D&r=1&s=8>

Status: Referred to Subcommittee on Crime, Terrorism, and Homeland Security, April 8, 2019

Summary: Would provide grant money to states that adopt laws prohibiting juvenile solitary confinement.

#### **S 697 The Next Step Act**, 2019 Leg., Reg. Sess. (U.S. 2019),

<https://www.congress.gov/bill/116th-congress/senate-bill/697/text?q=%7B%22search%22%3A%5B%22s+697%22%5D%7D&r=1&s=9>

Status: In Committee on Judiciary, March 7, 2019

Summary: Would provide grant money to states that adopt laws prohibiting juvenile solitary confinement.

#### **S 719 The Solitary Confinement Reform Act**, 2019 Leg., Reg. Sess. (U.S.

2019), <https://www.congress.gov/bill/116th-congress/senate-bill/719/text?q=%7B%22search%22%3A%5B%22s+719%22%5D%7D&r=1&s=10>

Status: In Committee on Judiciary, March 7, 2019

Summary: Would limit the placement of a federal inmate in solitary confinement (defined as “confinement characterized by substantial isolation in a cell, alone or with other inmates, including administrative segregation, disciplinary segregation, and confinement in any facility designated by the Bureau of Prisons as a special housing unit, special management unit, or administrative maximum facility”) to “the briefest terms and the least restrictive conditions practicable.” Would require 4 hours per day of out-of-cell time unless the inmate poses a substantial and immediate threat and that inmates in solitary confinement be allowed to participate in programming consistent with that provided to the general population. Would prohibit the placement of an inmate who is to be released within 180 days into solitary confinement unless the inmate poses a substantial and immediate threat. Would require the establishment of a transition process for inmates who have spent over 30 days in solitary confinement including re-socialization programming and regular mental health counseling. Would require the establishment of general population protective custody units to protect inmates from harm they might receive in a typical general population setting. Would prohibit placement of vulnerable populations (including those with serious mental illnesses, those with intellectual or physical disabilities that would be exacerbated by placement in solitary confinement, those who are pregnant or in the first 8 weeks of postpartum recovery, or anyone else who a mental health professional has determined would be “significantly adversely affected by placement in solitary confinement”) unless the inmate poses a substantial and immediate threat, all other options have been exhausted, the confinement is “limited to the briefest term and least restrictive conditions practicable,” the confinement is reviewed by a committee every 24 hours, and the inmate is diverted within 5 days. Would prohibit placement of LGBTQ and HIV positive inmates in solitary confinement solely because of their status. Would place caps on length of stay in administrative and disciplinary segregation and limits situations in

which segregation can be used to cases where it is necessary. Would provide a process by which an inmate can have placement in solitary reviewed. Would establish a National Resource Center on Solitary Confinement Reduction and Reform to provide assistance to corrections associations seeking to reduce the use of solitary confinement.

## State

**California AB 732 An act relating to incarcerated persons**, 2019 Leg., Reg. Sess. (Cal. 2019), [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB732](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB732)

Status: In Committee on Appropriations, hearing postponed, May 16, 2019

Summary: Would prohibit solitary confinement for pregnant inmates.

**Massachusetts S 1379 An Act to Strengthen Inmate Visitation**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/S1379>

Status: In Committee on Public Safety and Homeland Security, January 22, 2019

Summary: Would declare that it is unreasonable (and therefore prohibited) to prohibit inmates in restrictive housing from having access to the same visitation as those in the general population. However, visitation could be restricted for 15 days after a disciplinary offense.

**H 2047, An Act to Strengthen Inmate Visitation**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/H2047>

Status: In Committee on Public Safety and Homeland Security, January 22, 2019

Summary: Would declare that it is unreasonable (and therefore prohibited) to prohibit inmates in restrictive housing from having access to the same visitation as those in the general population. However, visitation could be restricted for 15 days after a disciplinary offense.

**H 1486, An Act to Reduce Recidivism Among Emerging Adults**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/H1486>

Status: In Committee on the Judiciary, January 22, 2019

Summary: Would prohibit restrictive housing for inmates aged 18-24 unless they are dangerous to themselves or others and no other intervention has been or is likely to be effective. Restrictive housing would be prohibited for inmates aged 18-24 as punishment, harassment, or consequence for noncompliance.

**S 940 An Act to Reduce Recidivism Among Emerging Adults**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/S940>

Status: In Committee on the Judiciary, January 22, 2019

Summary: Would prohibit restrictive housing for inmates aged 18-24 unless they are dangerous to themselves or others and no other intervention has been or is likely to be effective. Restrictive housing would be prohibited for inmates aged 18-24 as punishment, harassment, or consequence for noncompliance.

**H 1539 An Act Establishing Reasonable Limitations on the Solitary Confinement of Inmates 21 Years of Age or Younger**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/H1539>

Status: In the Committee on the Judiciary, January 22, 2019

Summary: Would limit solitary confinement for those under 21 to 15 days for disciplinary infractions and 48 hours (plus additional periods of 24 hours after review) if they pose a danger.

**H 2142 An Act Massachusetts Corrections Oversight Commission**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/H2142>

Status: In Committee on Public Safety and Homeland Security, January 22, 2019

Summary: Would establish a commission that, among other things, will submit recommendations relating to solitary confinement.

**New Jersey S 2540, A3979 Dignity for Incarcerated Primary Caretaker Parents Act**, 2018–19 Leg., Reg. Sess. (N.J. 2019), <https://www.njleg.state.nj.us/bills/BillView.asp>  
[https://www.njleg.state.nj.us/2018/Bills/S3000/2540\\_I1.PDF](https://www.njleg.state.nj.us/2018/Bills/S3000/2540_I1.PDF),  
<https://www.njleg.state.nj.us/bills/BillView.asp>

Status: Referred to Senate Budget and Appropriations Committee, June 6, 2019

Summary: Prohibits solitary confinement for pregnant women.

**A314, S3261, An Act concerning restrictions on isolated confinement in correctional facilities**, 2018–19 Leg., Reg. Sess. (N.J. 2018), <https://www.njleg.state.nj.us/bills/BillView.asp>;  
<https://www.njleg.state.nj.us/bills/BillView.asp>

Status: Passed both houses, June 20, 2019

Summary: Would prohibit the use of isolated confinement unless there is reasonable cause to believe that the inmate would create a substantial risk of immediate serious harm to himself or someone else and a less restrictive intervention would not reduce the risk. This standard would have to be shown by clear and convincing evidence. Would provide procedures for a hearing soon after placement. Would limit isolated confinement to 15 consecutive days or 20 days in a 60-day period. Would require that isolated confinement cells meet basic condition requirements and that inmates in isolated confinement have access to services. Would prohibit isolated confinement for vulnerable populations except in emergency situations (i.e. lockdowns). Would limit use of isolated confinement for protection and while awaiting hearing for disciplinary offense. Would increase training requirements for prison employees related to isolated confinement and vulnerable populations.

**New York A 04373 An act creating a temporary state commission relating to local correctional facilities in upstate New York**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), <https://nyassembly.gov/leg/?bn=A04373&term=2019>

Status: Referred to Ways and Means, April 30, 2019

Summary: Would create a temporary state commission to study solitary confinement practices at local correctional facilities outside the boundaries of a city with a population of more than one million people.

**S 02169 An act creating a temporary state commission relating to local correctional facilities in upstate New York**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), <https://nyassembly.gov/leg/?bn=S02169&term=2019>

Status: In Finance Committee, March 25, 2019

Summary: Would create a temporary state commission to study solitary confinement practices at local correctional facilities outside the boundaries of a city with a population of more than one million people.

**S 01623 An act to amend the correction law**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), <https://nyassembly.gov/leg/?bn=S01623&term=2019>

Status: Committed to Rules, June 20, 2019

Summary: Would prohibit the use of solitary for those under 21, older than 55, those with a disability and pregnant prisoners. Would prohibit segregated confinement for longer than necessary and for more than 15 consecutive days or 20 days within a 60 day period. Would require at least 4 hours/day of out of cell programming for those in solitary including one hour of recreation. Would prohibit limitations on basic needs, treatment, or services, or changes to diet as punishment. Would require provision of similar programming/services as those available to the general population. Would set procedures for hearings on solitary. Would set training standards for correctional officers and employees.

**A 02500 An act to amend the correction law, in relation to restricting the use of segregated confinement and creating alternative therapeutic and rehabilitative confinement options**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), [https://nyassembly.gov/leg/?default\\_fld=%0D%0A&leg\\_video=&bn=A02500&term=2019&Summary=Y&Actions=Y](https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A02500&term=2019&Summary=Y&Actions=Y)

Status: In Ways and Means Committee, March 5, 2019

Summary: Would prohibit the use of solitary for those under 21, older than 55, those with a disability and pregnant prisoners. Would prohibit segregated confinement for longer than necessary and for more than 15 consecutive days or 20 days within a 60-day period. Would require at least 4 hours/day of out of cell programming for those in solitary including one hour of recreation. Would prohibit limitations on basic needs, treatment, or services, or changes to diet as punishment. Would require provision of similar programming/services as those available to the general population. Would set procedures for hearings on solitary. Would set training standards for correctional officers and employees.

**S 787 An Act to amend the correction law**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), <https://nyassembly.gov/leg/?bn=S00787&term=2019>

Status: In Crime Victims, Crime, and Correction Committee, January 9, 2019

Summary: Would prohibit placement of inmates in restrictive housing for reason of discipline, detention, administrative segregation, protective custody, keeplock, or any other reason unless they have engaged in highly dangerous or serious escape-related behavior. Would limit confinement in restrictive housing to 30 days unless the inmate's behavior displays a pattern of extreme violence. Would require review every 30 days of an inmate's placement in restrictive housing by a board appointed by the Governor including one lawyer, one mental health professional, one criminal justice expert employed at a state university, and one former inmate. Would require that inmates with serious mental illnesses be diverted from restrictive housing to residential mental health treatment units and that all inmates

with serious mental illnesses be removed from restrictive housing, regardless of whether the mental illness preceded entry into restrictive housing.

**S 01696 An act to amend the correction law**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), <https://nyassembly.gov/leg/?bn=S01696&term=2019>

Status: In Crime Victims, Crime, and Correction Committee, January 15, 2019

Summary: Would require that any inmate under 21 in restrictive housing have access to at least four hours/day of structured out-of-cell programming in addition to exercise. Inmates could not be kept in punitive isolation, and would have to have access to calls, visits, and a normal diet.

**A 05272 An act to amend the correction law**, 2019–20 Leg., Reg. Sess. (N.Y. 2019), <https://nyassembly.gov/leg/?bn=A05272&term=2019>

Status: In Correction Committee, February 8, 2019

Summary: Would require that any inmate under 21 in restrictive housing have access to at least four hours/day of structured out-of-cell programming in addition to exercise. Inmates could not be kept in punitive isolation, and would have to have access to calls, visits, and a normal diet.

**Ohio SB 18 An act to prohibit restraining or confining pregnant female offender**, 2019 Leg., Reg. Sess. (Ohio 2019), <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-18>

Status: In Judiciary Committee, February 13, 2019

Summary: Would prohibit the use of solitary for female prisoners who are in their third trimester of pregnancy, in labor/delivery, or in post-partum recovery after pregnancy unless they are a threat to themselves or another person, a medical professional has been informed, and the medical professional does not object.

**Oregon HB 3186 An act relating to incarcerated persons**, 2019 Leg., Reg. Sess. (Or. 2019), <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB3186>

Status: In House Judiciary Committee, March 5, 2019

Summary: Would prohibit long-term solitary confinement (more than 15 consecutive days). Would require that all confined persons be provided vocational training.

**Pennsylvania HB 497 An act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, providing for solitary confinement**, 2019 Leg., Reg. Sess. (Or. 2019), <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2019&sind=0&body=H&type=B&bn=0497>

Status: In Judiciary Committee, February 12, 2019

Summary: Would prohibit the use of solitary for pregnant women, inmates under 21 or older than 70, and LGBTQ individuals. Also would cap solitary at 15 days for all inmates.

## Legislation on Restrictive Housing Data Collection Pending as of July 1, 2019

**Massachusetts S 905 An Act to collect data on LGBTQI prisoners held in restrictive housing**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/S905>

Status: In Committee on the Judiciary, January 22, 2019

Summary: No definition for “restrictive housing” is given.

Would increase data reporting from an annual to a biannual requirement. Would change the data reporting requirement from reporting the total number of “prisoners as to whom a finding of serious mental illness has been made” who are held in restrictive housing for over 30 days to require “delineat[ion] by diagnosis,” rather than report of just the total number and to count those held for over 15 days instead of 30. Would require reporting of the “voluntary self identified sexual orientation . . . and gender identity . . . of each prisoner subjected to restrictive housing” and “whether the prisoner was pregnant during time spent in restrictive housing.” Also would require reporting of “the number of prisoners held in restrictive housing based on allegations or investigations of Prison Rape Elimination Act (PREA) violations and the number of prisoners held in restrictive housing who are victims of PREA violations.”

Also requires reporting of “the number of prisoners subjected to restrictive housing,” “the number of prisoners held in restrictive housing for more than 15 days,” “the number of prisoners 21 years of age or younger subjected to restrictive housing,” “the number of pregnant prisoners subjected to restrictive housing,” “the racial and ethnic composition of prisoners subjected to restrictive housing,” “the sexual orientation and gender identity composition of prisoners subjected to restrictive housing who have voluntarily disclosed during Prison Rape Elimination Act (PREA) screenings or voluntarily disclose and self-identify at any other time during their incarceration their sexual orientation . . .,” “the number of prisoners subjected to multiple stays in restrictive housing in a given reporting period,” and “the rate of recidivism for individuals that were subject to restrictive housing.”

**H 1341 An Act to collect data on LGBTQI prisoners held in restrictive housing**, 2019 Leg., Reg. Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/H1341>

Status: In Committee on the Judiciary, January 22, 2019

Summary: No definition for “restrictive housing” is given.

Would increase data reporting from an annual to a biannual requirement. Would change the data reporting requirement from reporting the total number of “prisoners as to whom a finding of serious mental illness has been made” who are held in restrictive housing for over 30 days to require “delineat[ion] by diagnosis,” rather than report of just the total number and to count those held for over 15 days instead of 30. Would require reporting of the “voluntary self identified sexual orientation . . . and gender identity . . . of each prisoner subjected to restrictive housing” and “whether the prisoner was pregnant during time spent in restrictive housing.” Also would require reporting of “the number of prisoners held in restrictive housing based on allegations or investigations of Prison Rape Elimination Act

(PREA) violations and the number of prisoners held in restrictive housing who are victims of PREA violations.”

Also requires reporting of “the number of prisoners subjected to restrictive housing,” “the number of prisoners held in restrictive housing for more than 15 days,” “the number of prisoners 21 years of age or younger subjected to restrictive housing,” “the number of pregnant prisoners subjected to restrictive housing,” “the racial and ethnic composition of prisoners subjected to restrictive housing,” “the sexual orientation and gender identity composition of prisoners subjected to restrictive housing who have voluntarily disclosed during Prison Rape Elimination Act (PREA) screenings or voluntarily disclose and self-identify at any other time during their incarceration their sexual orientation . . .,” “the number of prisoners subjected to multiple stays in restrictive housing in a given reporting period,” and “the rate of recidivism for individuals that were subject to restrictive housing.”

**S 1362 An Act to create uniform standards in use of force, increase transparency, and reduce harm,** 2019 Leg., Reg. Sess. (Mass. 2019),

<https://malegislature.gov/Bills/191/S1362>

Status: In Committee on Public Safety and Homeland Security, January 22, 2019

Summary: No definition of “restrictive housing” or “use of force” is given.

Requires that agencies report and make public “the number of incidents [of use of force] in restrictive housing.”

**H 2087 An Act to create uniform standards in use of force, increase transparency, and reduce harm,** 2019 Leg., Reg. Sess. (Mass.

2019), <https://malegislature.gov/Bills/191/H2087>

Status: In Committee on Public Safety and Homeland Security, January 22, 2019

Summary: No definition of “restrictive housing” or “use of force” is given.

Requires that agencies report and make public “the number of incidents [of use of force] in restrictive housing.”

## Legislation Limiting the Use of Restrictive Housing – Not Enacted during 2019 Session

**Arizona SB 1358 An act relating to prisoners**, 2019 Leg., Reg. Sess. (Ariz. 2019),  
<https://apps.azleg.gov/BillStatus/BillOverview/71994?SessionId=121>

Status: Did not pass before end of session; In TPS, Appropriations, and Rules Committees

Summary: Would prohibit the use of solitary confinement for prisoners who are pregnant or in postpartum recovery unless they are a danger and requires that any use of solitary for these prisoners be limited and temporary. Also would require that the Attorney General appoint an ombudsman to oversee and monitor the use of segregated housing.

**Connecticut SB 1109 An Act Concerning Solitary Confinement**, 2019 Leg., Reg. Sess. (Conn. 2019), [https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill\\_num=SB01109&which\\_year=2019](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=SB01109&which_year=2019)

Status: Did not pass before session ended, tabled for senate calendar, file number 806

Summary: States that “the department [of corrections] shall not hold any person on administrative segregation status or restrictive housing status.” “Administrative segregation status” is defined as “the Department of Correction's practice of placing an inmate on restrictive housing status following a determination that such inmate can no longer be safely managed within the general inmate population of the correctional facility.” “Restrictive housing status” is defined as “the designation of an inmate by the Department of Correction that provides for closely regulated management and separation of such inmate from other inmates.”

For the hearing *See, e.g.* Connecticut Judiciary Committee Testimony for SB-01109, March 29, 2019, available at [https://www.cga.ct.gov/asp/menu/CommDocTmyBill.asp?comm\\_code=jud&bill=SB-01109&doc\\_year=2019](https://www.cga.ct.gov/asp/menu/CommDocTmyBill.asp?comm_code=jud&bill=SB-01109&doc_year=2019).

**HB 6705 An act concerning solitary confinement**, 2019 Leg. Reg. Sess. (Conn. 2019), [https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill\\_num=HB6705&which\\_year=2019](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB6705&which_year=2019)

Status: Did not pass before end of session, in judiciary committee

Summary: Would prohibit the use of solitary confinement. No definition of solitary confinement is included in the bill.

**Florida SB 1402 An act relating to inmate confinement**, 2019 Leg., Reg. Sess. (Fla. 2019), <http://www.flsenate.gov/Session/Bill/2019/01402>

Status: Died in Criminal Justice Committee, May 3, 2019

Summary: Would prohibit solitary confinement (22 hours or more per day) and places limitations on "restrictive confinement" (20 hours or more per day). Would prohibit restrictive confinement except in circumstances that pose an immediate threat to the safety of an inmate or guard. Would limit restrictive confinement to 15 consecutive days or 20 days in a 60-day period. Would require that inmates in restrictive confinement have at least 4 hours out of their cells, be allowed to participate in programming, and be allowed to have as much meaningful interaction with others as practicable, and be evaluated by a mental health professional once every 24 hours. Would prohibit restrictive confinement for anyone

under 18, pregnant, mentally ill, and intellectually disabled inmates except when the inmate is dangerous and all other options have been exhausted.

**SB 624 An act relating to youth in solitary confinement**, 2019 Leg., Reg. Sess. (Fla. 2019), <http://www.flsenate.gov/Session/Bill/2019/00624>

Status: Died in Appropriations Committee, May 3, 2019

Summary: Would prohibit solitary confinement of youths (anyone under 19) except if the person is a danger and all other options have been exhausted. Would require that officials document the placement of youth in solitary confinement, including the reason for their placement. Would implement time limits and medical care standards for different types of solitary confinement, including emergency confinement and medical confinement.

**SB 110 An act relating to youth in solitary confinement**, 2019 Leg. Reg. Sess. (Fla. 2019), <http://www.flsenate.gov/Session/Bill/2019/00110>

Status: Died in Criminal Justice Committee on May 3, 2019

Summary: Would limit solitary confinement for anyone under 18. Would limit disciplinary confinement to 72 hours and would limit emergency confinement to 24 hours. Would require minimum conditions for those in solitary confinement, including regular checks, at least one hour of out-of-cell exercise including access to outdoor recreation, daily showers, and access to the same meals and other resources as the general population.

**HB 499 An act relating to youth in solitary confinement**, 2019 Leg. Reg. Sess. (Fla. 2019), <http://www.flsenate.gov/Session/Bill/2019/00499>

Status: Died in Criminal Justice Subcommittee on May 3, 2019

Summary: Would limit solitary confinement for anyone under 18. Would limit disciplinary confinement to 72 hours and would limit emergency confinement to 24 hours. Would require minimum conditions for those in solitary confinement, including regular checks, at least one hour of out-of-cell exercise including access to outdoor recreation, daily showers, and access to the same meals and other resources as the general population.

**HB 755 An act relating to youth in solitary confinement**, 2019 Leg., Reg. Sess. (Fla. 2019), <http://www.flsenate.gov/Session/Bill/2019/00755>

Status: Died in Criminal Justice Subcommittee on May 3, 2019

Summary: Would prohibit the use of solitary confinement as a disciplinary measure for anyone under 19. Would limit the use of emergency confinement for people under 19 to situations where there is an imminent risk of danger and all other options have been exhausted. Would limit the use of emergency confinement for people under 19 to four hours unless an extension is sought from a medical professional and would require that they receive the same meals, clothing, treatment, etc. as the general population. Would limit medical confinement to situations where it is necessary to prevent the spread of disease.

**Georgia** **HB 475 An act relating to inmate policies**, 2019–20 Leg., Reg. Sess. (Ga. 2019), <http://www.legis.ga.gov/Legislation/en-US/display/20192020/HB/475>

Status: Did not pass before session ended; before House Second Readers

Summary: Would prohibit solitary confinement of pregnant or postpartum women.

**Hawaii SB 608 An act relating to corrections**, 2019 Leg., Reg. Sess. (Haw. 2019),  
[https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=608](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=608)

Status: Did not pass before session ended; in Judiciary Committee

Summary: Would prohibit the use of administrative or disciplinary segregation unless less restrictive interventions are not available and an inmate commits an act of violence, or poses a serious threat. Would cap administrative segregation at 14 days during any 30-day period and caps disciplinary segregation at 60 days during any 180-day period. Would require that inmates in solitary be provided basic necessities and that regular hearings be held to continue placement. Would require additional mental health evaluations for members of vulnerable populations (those under 21, those older than 65, the mentally ill, developmentally disabled, auditorily or visually impaired, pregnant, or "perceived to be LGBTQ+") in solitary.

**Illinois HB 0182 An act concerning criminal law**, 2019 Leg., Reg. Sess. (Ill. 2019),  
<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=182&GAID=15&DocTypeID=HB&LegID=114042&SessionID=108&GA=101&SpecSess=0>

Status: Did not pass before session ended; in Rules Committee

Summary: Would require the establishment of disciplinary procedures for cases involving the imposition of restrictive housing that are consistent with the Isolated Confinement Restriction Act.

**HB 2102 Solitary Confinement Reform Act**, 2019 Leg., Reg. Sess. (Ill. 2019),  
<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=2102&GAID=15&DocTypeID=HB&LegID=117748&SessionID=108&GA=101&SpecSess=0>

Status: Did not pass before session ended; in Rules Committee

Summary: Contains only a short title provision.

**Maryland HB 1002 An act concerning Correctional Services – Restrictive Housing – Direct Release**, 2019 Leg., Reg. Sess. (Md. 2019), <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=02&id=hb1002&tab=subject3&ys=2019RS>

Status: Did not pass before session ended; passed Second Reading in the Senate

Summary: Would prohibit placement of an inmate in restrictive housing within 180 days of their release date unless the warden makes an individualized determination based on clear and convincing evidence and certifies in writing that the inmate poses a grave risk of harm and other less restrictive options have been exhausted or the inmate poses an immediate and credible flight risk that cannot reasonably be prevented by other means. Would require that an inmate placed in restrictive housing receive a copy of the placement authorization stating the reason for placement, the length of placement, and procedures for appealing placement. An inmate released from restrictive housing into the community would have to receive a release plan tailored to them and notice of applicable community resources.

**HB 1029 Restrictive Housing Reform Act of 2019**, 2019 Leg., Reg. Sess. (Md. 2019), <http://mgaleg.maryland.gov/webmga/firmMain.aspx?pid=billpage&stab=03&id=hb1029&tab=subject3&ys=2019RS>

Status: Did not pass before session ended; Judiciary Committee Hearing

Summary: Would require that each inmate placed in restrictive housing be provided a review process that occurs within 3 days of placement and every 3 days after placement (to confirm continued basis for placement), a written process to appeal placement, and copies of all non-classified documents relating to placement. Before placement, the inmate would have to be provided with a mental health evaluation and de-escalation techniques. Would prohibit restrictive housing for administrative infractions, limits restrictive housing to 15 consecutive days for a first substantive infraction, 30 days for a second, and 45 days for a third. Would prohibit placement of an inmate in restrictive housing for more than 15 consecutive days or a total of 90 days in a one-year period unless there is clear and convincing evidence that the inmate poses an immediate and substantial risk of physical harm. Would require that those in restrictive housing receive weekly health assessments and the same standard of access as general population inmates to basic necessities, as well as maximum access to programming.

**Minnesota SF 2625 An act relating to public safety**, 2019 –20 Leg., Reg. Sess. (Minn. 2019), <https://www.revisor.mn.gov/bills/bill.php?f=SF2625&b=senate&y=2019&ssn=0>

Status: Did not pass before session ended; in Judiciary and Public Safety Finance and Policy Committee, March 21, 2019

Summary: Would allocate funds to implement restrictive housing reforms to reduce misconduct and comply with federal and accreditation standards.

**HF 2711 An act relating to public safety**, 2019 –20 Leg., Reg. Sess. (Minn. 2019), <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF2711&ssn=0&y=2019>

Status: Did not pass before session ended; in Public Safety and Criminal Justice Reform Finance and Policy Division, March 25<sup>th</sup> 2019

Summary: Would allocate funds to implement restrictive housing reforms to reduce misconduct and comply with federal and accreditation standards.

**Nebraska LB 739 An act to change procedures and requirements for use of restrictive housing of inmates**, 2019 Leg., Reg. Sess. (Neb. 2019), [https://nebraska.gov/bills/view\\_bill.php?DocumentID=37641](https://nebraska.gov/bills/view_bill.php?DocumentID=37641)

Status: Did not pass before session ended; Amended by AM1737

Summary: Would redefine solitary confinement (which is prohibited for any person) to mean "confinement in an isolated cell, alone or with another inmate, for an average of 22 or more hours per day, in an environment that ensures maximum control." Would prohibit restrictive housing (defined as conditions of confinement that provide limited contact with other inmates, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week) for vulnerable populations (inmates 18 years or younger, pregnant inmates, inmates with serious mental illnesses, and inmates with developmental disabilities or traumatic brain injuries). They could be assigned to immediate segregation to protect themselves or others. Would limit restrictive housing to 90 days per year unless

there is an individualized determination made by a specialized inmate classification committee. The committee would have to have at least one qualified mental health professional. The committee would have to find by a preponderance of the evidence following a hearing that less restrictive alternatives are unsuitable in light of a continuing and serious security threat.

**LB 262 An act to change membership and duties of long-term restrictive housing work group**, 2019 Leg., Reg. Sess. (Neb. 2019), [https://nebraska.legislature.gov/bills/view\\_bill.php?DocumentID=37362](https://nebraska.legislature.gov/bills/view_bill.php?DocumentID=37362)

Status: Did not pass before session ended; amended by AM1737

Summary: Would adjust the membership of the restrictive housing work group to increase from one to two the number of inmates formerly incarcerated in Nebraska, decrease from two to one the number of representatives from prisoners' advocacy groups, and eliminate the requirement that there be two mental health professionals. Also would require that the Director of the Department of Corrections meets with the work group at least ten days prior to release of the annual report on restrictive housing.

**Oklahoma SB 460 An act relating to the Office of Juvenile Affairs**, 2019 Leg., Reg. Sess. (Okla. 2019), <http://www.oklegislature.gov/BillInfo.aspx?Bill=sb460&Session=1900>

Status: Did not pass before session ended; reported Do Pass from Rules Committee

Summary: Would prohibit punishment of a child with solitary confinement.

**South Carolina H 3919 Youth Sentencing Act of 2019**, 2019 Leg., Reg. Sess. (S.C. 2019), [https://www.scstatehouse.gov/query.php?search=DOC&searchtext=solitary&category=LEGISLATION&session=123&conid=15402621&result\\_pos=0&keyval=1233919&numrows=10](https://www.scstatehouse.gov/query.php?search=DOC&searchtext=solitary&category=LEGISLATION&session=123&conid=15402621&result_pos=0&keyval=1233919&numrows=10)

Status: Did not pass before session ended; in Committee on the Judiciary

Summary: Would prohibit the use of solitary for inmates under 18.

**S 471 Youth Sentencing Act of 2019**, 2019 Leg., Reg. Sess. (S.C. 2019), [https://www.scstatehouse.gov/query.php?search=DOC&searchtext=solitary&category=LEGISLATION&session=123&conid=15402621&result\\_pos=0&keyval=1230471&numrows=10](https://www.scstatehouse.gov/query.php?search=DOC&searchtext=solitary&category=LEGISLATION&session=123&conid=15402621&result_pos=0&keyval=1230471&numrows=10)

Status: Did not pass before session ended; in Committee on the Judiciary

Summary: Would prohibit the use of solitary for inmates under 18.

**Tennessee HB 1185, SB 0655 Juvenile Justice Stop Solitary Confinement Act**, 2019 Leg., Reg. Sess. (Tenn. 2019), <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB1185>; <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0655>

Status: Did not pass before session ended; action deferred in Senate Judiciary Committee to first calendar of 2020

Summary: Would prohibit the use of solitary for juveniles unless less restrictive options have been exhausted; solitary is not used for coercion, convenience, or retaliation by staff; and the minor poses a serious security risk or imminent threat. Would cap the time a juvenile can

spend in solitary at 22 hours without a hearing, and 7 days for no more than 22 hours/day after a hearing.

**SB 1150, HB 1240 An Act to amend Tennessee Code relative to pregnant**

**inmates**, 2019 Leg., Reg. Sess. (Tenn. 2019), <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB1150>

Status: Did not pass before session ended; in General Subcommittee of Senate State and Local Government Committee

Summary: Would prohibit solitary confinement for pregnant inmates and inmates who have given birth within the past 8 weeks, regardless of whether the confinement is for punishment or safekeeping.

**HB 1184, SB0958 An Act to amend Tennessee Code relative to correctional**

**institutions**, 2019 Leg., Reg. Sess. (Tenn. 2019), <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB1184>; <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0958>

Status: Did not pass before session ended; in Corrections Subcommittee; in General Subcommittee of Senate State and Local Government Committee

Summary: Would prohibit solitary confinement for pregnant inmates and inmates who have given birth within the past 8 weeks.

## Legislation on Restrictive Housing Data Collection – Not Enacted during 2019 Session

**Arkansas**     **HB 1530 An Act to Collect Data Concerning the Use of Solitary Confinement or Segregation in the Department of Corrections**, 2019 Leg., Reg. Sess. (Ark. 2019), <http://www.arkleg.state.ar.us/assembly/2019/2019R/Pages/BillInformation.aspx?measureno=hb1530>

Status: Died on House Calendar at Sine Die Adjournment, April 24, 2019

Summary: “Segregation” is defined as “a type of detention that involves the removal of a person from the general inmate population, including solitary confinement, whether voluntary or involuntary, in which the person is placed in a locked room or cell for approximately twenty-two (22) hours or more out of a twenty four-hour period.”

Would require that “the Department of Correction, the Division of Youth Services, and all local and regional detention facilities . . . submit a quarterly report to the Legislative Council showing: (1) the number of persons disciplined or transferred to segregation during the prior quarter,” including their “(A) [r]acial composition; (B) [g]ender; (C) [the] number of persons: (i) paroled directly from segregation; and (ii) in segregation: (a) [d]ue to protective custody; (b) [w]ho are pregnant; (c) [w]ho are twenty-one (21) years of age or younger; (d) [w]ho are fifty-five (55) years of age or older; (e) [w]ith a serious mental illness, and what the diagnosis for the person is; (f) [w]ith a mental illness, and what the diagnosis for the person is; (g) with a disability; (h) [w]ho have requested reasonable accommodation for a disability; (i) [w]ho have received a requested reasonable accommodation for a disability and; (D) [t]he number of: (i) [s]uicides, and the methods of suicide used by persons housed in segregation; (ii) [s]uicides attempted by persons housed in segregation; (iii) [m]ental health professionals who work directly with persons in segregation; (iv) [p]ersons released from segregation due to mental decomposition; (v) [p]ersons transferred to outside hospitals or psychiatric units from segregation; (vi) [p]ersons placed on mental health watch while in segregation; (vii) [s]taff assigned to segregation; (viii) [c]onfidential mental health treatment appointments requested and approved and confidential mental health treatments attended by persons in segregation; (ix) [v]iolent incidents involving a person housed in segregation and department personnel; (x) [d]eaths and the cause of death for persons housed in segregation; (xi) [p]ersons housed in segregation due to a disciplinary infraction, categorized by type of disciplinary infraction as follows: (a) [v]iolence to self; (b) [v]iolence to others; (c) [p]ossession of non-pornographic contraband; (d) [p]ossession of drug-related contraband; (e) [m]asturbation; (f) [s]ex with another person; (g) [p]ossession of pornographic contraband and; (h) other disciplinary infraction . . . and (xii) [p]ersons in segregation who spent time outside of his or her cell for recreational purpose and; (2)(A) [t]he average and median length of stay for persons housed in segregation . . . includ[ing] persons who have been housed in segregation longer than three (3) months.”

**Vermont**     **H 284 An act relating to data collection in the criminal justice system**, 2019 Leg., Reg. Sess. (Vt. 2019), <https://legislature.vermont.gov/bill/status/2020/H.284>

Status: Did not pass before the end of the session; In Committee on the Judiciary

Summary: No definition of “solitary confinement” is given.

Would require that “on the first Monday of every month . . . the Department shall issue a report on . . . [t]he number and percentage of inmates who have been held in solitary confinement in the previous month and the number of days of that confinement.” Requires that the “[d]ata . . . include the inmate’s age, race and gender, the reason for segregation, and whether or not the inmate is classified as having a serious functional impairment.”

**Washington HB 2080 An act relating to solitary confinement**, 2019 Leg., Reg. Sess. (Wash. 2019), <https://app.leg.wa.gov/billsummary?BillNumber=2080&Year=2019&Initiative=false>

Status: Did not pass before end of session; In Committee on Public Safety

Summary: The bill defines solitary confinement as “the placement of an offender in a locked room or cell alone with minimal or no contact with persons other than guards, facility staff, and attorneys.” The bill notes that “using different terminology for this practice, such as room confinement, administrative segregation, segregated housing, protective custody, restrictive housing, restricted housing, restricted engagement, close confinement, special management unit, intensive management unit, administrative detention, nonpunitive isolation, temporary isolation, reflection cottage, or maximum custody, among others, does not exempt a practice from being solitary confinement.” It also excludes from its definition of “solitary confinement” “the short-term placement of offenders in individual cells for purposes of facility or living unit security issues, or for other short-term facility physical plan safety and maintenance issues.”

Would prohibit solitary confinement of juveniles (anyone who is incarcerated for an offense committed when they were under 18) except when they necessary to prevent significant and imminent harm and other less restrictive means have been unsuccessful. Would direct the Department of Corrections to develop policies aimed at limiting the use and duration of solitary on juveniles and requiring that they receive access to programming while in solitary.

Would require that “[t]he department [of corrections] . . . compile, on a monthly basis . . . the following information with respect to all state institutions and facilities used for juvenile rehabilitation: (a) The number of times solitary confinement was used; (b) The circumstances leading to the use of solitary confinement; (c) A determination of whether, for each instance of solitary confinement, the use of solitary confinement lasted more or less than four hours within a twenty-four hour period and, for instances lasting more than four hours, the length of time the youth remained in solitary confinement; (d) For each instance of solitary confinement, whether or not supervisory review of the solitary confinement occurred and was documented; (e) For each instance of solitary confinement, whether or not a medical assessment or review and a mental health assessment or review were conducted and documented; and (f) For each instance of solitary confinement, whether or not the affected youth was afforded full access to education, programming, and ordinary necessities such as medication, meals, and reading material during the term of solitary confinement.” This report would have to be submitted “to the appropriate committees of the legislature.”