

HOUSE BILL NO. 316

INTRODUCED BY E. HILL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF LONG-TERM SOLITARY CONFINEMENT FOR JUVENILES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Prohibitions on use of long-term solitary confinement for juveniles

-- definitions. (1) Long-term solitary confinement may not be used in a correctional facility or program for any person under 18 years of age.

(2) As used in this section, the following definitions apply:

(a) "Administrative segregation" means a nonpunitive housing status for inmates whose continued presence in the general population may pose a serious threat to life, property, self, staff, or other inmates or to the facility's security or orderly operation.

(b) "Correctional facility or program" means a state prison, as defined in 53-30-101, a correctional program for adults or criminally convicted youth operated by or under contract with the department of corrections, or a facility for youth established under 52-5-101.

(c) "Disciplinary detention" means a punitive confinement determined by a due process impartial hearing that separates inmates from the general population for serious rule violations.

(d) "Long-term" means a period that extends or is expected to extend for more than 3 consecutive days in a 30-day period.

(e) "Prehearing confinement" means a short-term, nonpunitive housing status that is used to safely and securely control high-risk or at-risk inmates.

(f) "Solitary confinement" means any form of housing status, punitive or nonpunitive, in which an inmate is separated from the general population in a correctional facility or program and that is characterized by single-cell confinement and restricted out-of-cell activities, movement, and social interaction. The term includes administrative segregation, disciplinary detention, prehearing confinement, or special management.

(g) "Special management" means a nonpunitive housing status for inmates who request removal from the general population or require protection for their safety and well-being.

