

**Major Components of HB 490  
Montana Solitary Confinement Reform Act**

EXHIBIT 2  
DATE 2/19/15  
HB 490

Section 1 – Short Title

“Montana Solitary Confinement Reform Act”

Section 2 – Definitions

Defines "solitary confinement" as a housing situation where the inmate is:

- separated from the general population
- confined to a single-person cell
- with restricted out-of-cell activities and movement

Includes a variety of specific housing statuses, such as "administrative segregation" and "prehearing confinement," which are also defined

Defines "long-term" as lasting 14 days or more within a 30 day period

Defines "serious mental illness" as

- a number of specific mental disorders, including bipolar, major depressive, paranoid, etc.
- being suicidal or attempting suicide in last 6 months; or
- having an organic brain syndrome resulting in significant impairment

Section 3 – Prohibitions on LTSC

Long term solitary confinement may not be used for

- juveniles
- inmates with serious mental illness
- for purely administrative purposes, such as a lack of staff
- for protective custody, unless the inmate requests it

Long term solitary confinement may not be used within 1 year of an inmate's upcoming discharge date

- unless the inmate poses an immediate and significant risk,
- there is a written certification of that risk every 15 days, and
- a transition plan is in place for when the inmate is discharged from the facility

Section 4 – Determination process for all inmates placed in LTSC

Before an inmate may be placed in LTSC:

- all less restrictive options must be exhausted
- a mental health evaluation must be conducted

- a management team / classification committee must find that the inmate committed a specific violent or other prohibited act within last 30 days, and
- the inmate had the opportunity for a hearing before the management team / classification committee, with notice, the chance to present evidence, and other safeguards

#### Section 5 – Mental health evaluations

Mental health evaluations are required for all inmates in LTSC:

- conducted every 7 days
- must be confidential
- in-person, not through the cell door
- must include a review of health records and an assessment of current mental status and suicide risk

The inmate must be moved from LTSC within 48 hours if the evaluation reveals the inmate has a serious mental illness or other significant mental impairment

#### Section 6 – Basic minimum conditions for LTSC:

- may not last longer than 90 consecutive days
- inmates must have access to light, ventilation, regular meals, visitation, religious observance, showers, mail, reading materials, etc.

#### Section 7 -- Documentation and training

Facility administrators must document and:

- number of inmates in LTSC
- duration
- reason
- whether any LTSC inmates had SMI
- whether any LTSC inmates were released directly from facility into the public

Staff must be trained on mental illness and decompensation

#### Section 8 – Review of current LTSC inmates

DOC must review all current LTSC inmates within 90 days, hold hearings for inmates held more than 30 days, and report to LJIC

#### Section 9 – Codification

Codified in MCA Title related to Corrections