

SOLITARY CONFINEMENT

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Solitary confinement is a term to describe a practice of housing jail or prison inmates in an isolated setting with restrictions on out-of-cell time, often with additional restrictions on contact with other inmates and visitors and reduced privileges. Solitary confinement is not often used by prison or jail administrators, who use a variety of other terms, including locked housing, restricted or restrictive housing, administrative segregation, segregated housing, special management, or separated housing. But whatever the term used, the basic practices that define restricted housing are similar: inmates are removed from the general population and are confined in a single or double-bunked cell for the majority of the hours in a day with restricted movements, activities, and contact with other individuals.

Legislative Services Division Materials:

[Study Resources Page](#) for the 2017-2018 Senate Joint Resolution 25 study of the use of solitary confinement in Montana

Other Materials:

[Administrative Segregation: Legislative Enactments](#) (January 2018) – National Conference of State Legislatures

Introduced Legislation

2019

[House Bill No. 763](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO THE DEPARTMENT OF CORRECTIONS; PROVIDING A STATE POLICY ON RESTRICTIVE HOUSING; CREATING REQUIREMENTS FOR RESTRICTIVE HOUSING UNITS, INCLUDING ADMISSION AND RELEASE, PERIODIC

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INMATE REVIEWS, HEALTH AND MENTAL HEALTH TREATMENT, STAFFING, AND OTHER CONDITIONS OF CONFINEMENT FOR INMATES IN THE UNIT; CREATING REQUIREMENTS SPECIFIC TO YOUTH FACILITIES; REQUIRING STEP-DOWN PROGRAMS; REQUIRING CERTAIN NOTIFICATIONS WHEN AN INMATE IS RELEASED TO THE COMMUNITY DIRECTLY FROM A RESTRICTIVE HOUSING UNIT; PROVIDING APPROPRIATIONS; AND PROVIDING EFFECTIVE DATES.

2017

[Senate Bill No. 257](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATED TO SOLITARY CONFINEMENT; PROHIBITING THE USE OF SOLITARY CONFINEMENT EXCEPT IN SPECIFIC SITUATIONS; REQUIRING THE DEPARTMENT OF CORRECTIONS TO REVIEW THE USE OF SOLITARY CONFINEMENT FOR JUVENILES IN CERTAIN CORRECTIONAL FACILITIES AND TO REPORT THE RESULTS TO THE LEGISLATURE; AND PROVIDING EFFECTIVE DATES.

[Senate Joint Resolution No. 25](#) -- (S) Filed with Secretary of State -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY ON THE EXTENT OF THE USE OF SOLITARY CONFINEMENT IN STATE AND COUNTY INSTITUTIONS IN MONTANA.

2015

[House Bill No. 316](#) -- (H) Bill Withdrawn per House Rule H30-50(3)(b) -- AN ACT PROHIBITING THE USE OF LONG-TERM SOLITARY CONFINEMENT FOR JUVENILES.

[House Bill No. 490](#) -- (H) Tabled in Committee -- AN ACT PROVIDING RESTRICTIONS FOR THE USE OF SOLITARY CONFINEMENT; PROVIDING DEFINITIONS; PROHIBITING THE USE OF LONG-TERM SOLITARY CONFINEMENT FOR CERTAIN INDIVIDUALS; PROVIDING LIMITATIONS ON WHEN LONG-TERM SOLITARY CONFINEMENT MAY BE USED; CREATING A DETERMINATION AND HEARING PROCESS; PROVIDING CONDITIONS THAT MUST BE MET WHEN AN INMATE IS PLACED IN LONG-TERM SOLITARY CONFINEMENT; PROVIDING FOR DOCUMENTATION OF THE USE OF LONG-TERM SOLITARY CONFINEMENT; AND REQUIRING THE DEPARTMENT OF CORRECTIONS TO REVIEW INMATES IN SOLITARY CONFINEMENT AND REPORT THE RESULTS OF THE REVIEW TO THE LEGISLATURE.

2013

[House Bill No. 536](#) -- (H) Died in Standing Committee -- AN ACT PROVIDING RESTRICTIONS FOR THE USE OF LONG-TERM SOLITARY CONFINEMENT; AND PROVIDING DEFINITIONS, PROHIBITIONS, LIMITATIONS, DETERMINATION AND DUE PROCESS, CONDITIONS, AND DOCUMENTATION

2011 and 2009

None

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