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Administrative Segregation: State Enactments

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California S 759 (2016) Relates to segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association. Repeals provisions regarding ineligibility to earn credits, including for rehabilitative programs, and instead requires the departments to establish regulations to allow specified inmates placed in segregation housing to earn credits during the time he or she is in segregation housing.

Colorado S 176 (2011) Requires the executive director of the department of corrections, on or before January 1, 2012 and each January 1 thereafter, to provide a written report to the judiciary committees of the senate and house regarding: the status of administrative segregation, reclassification efforts for offenders with mental illnesses or developmental disabilities, including duration of stay and reason for placement, the number and percent discharged, and any internal reform efforts since July 1, 2011. Directs any cost savings achieved as a result of certain earned time release programs to be appropriated to the department of corrections to support behavior-modification programs, incentive programs, and mental health services or programs, or similar programs designed as viable alternatives to administrative segregation. States that association with an inmate gang or security-threat group alone is not sufficient to restrict confinement of an inmate. Redefines "security threat group" as a group of three or more individuals acting in concert or individually in an activity characterized by criminal conduct or conduct that violates the department's code of penal discipline for the purpose of disrupting prison operations, recruiting new members, damaging property, or inflicting or threatening to inflict harm to employees, contract workers, volunteers or other state inmates. Adds that, notwithstanding other applicable statutes, a state inmate is eligible, after his/her first 90 days in administrative segregation, to receive earned time if s/he meets the criteria required to allow a state inmate to receive the maximum amount of earned time permitted for good behavior and participation in available inmate programming while in administrative segregation.

Colorado S 64 (2014) Requires the Department of Corrections to review the status of offenders held in long-term isolated confinement, provides that if a review determines that an offender is seriously mentally ill, the department shall move the offender from confinement to a mental health step-down unit, a mental hospital, or other housing, prohibits a mentally ill offender from being placed in confinement, requires certain evaluations, provides mentally ill inmates with the opportunity for therapy and out-of-cell time.

Connecticut H 7302 (2017) Codifies requirements for reporting data of and procedures for inmates on administrative segregation status.

Delaware HJR 5 (2015) Requires the House Corrections Committee to appoint an independent third party with substantial correctional and mental health experience to study and make recommendations concerning the use of restrictive housing in the State's correctional facilities. Requires a report to the legislature on use and oversight of all forms and phases of restrictive housing. Requires training, within available appropriations, for corrections officers on identifying and dealing with mental illness and inmates on administrative segregation status. Requires the corrections department, within available appropriations, to provide officer wellness services.

Louisiana HR 1 (2014) Requests the House Committee on Administration of Criminal Justice to evaluate the use of solitary confinement, isolation, closed-cell restriction, and extended lockdown by the Department of Public Safety and Corrections and its effectiveness and impact on housing costs, prison violence, inmate safety, recidivism, and the mental health of the inmate placed in such conditions.



Maine H 1139 (2010) Directs the Commissioner of Corrections, in consultation with the mental health and substance abuse focus group of the State Board of Corrections to review due process procedures and other policies related to the placement of special management prisoners (includes inmates with a high-risk management status, administration segregation status or disciplinary segregation status).

Massachusetts H 4545 (2014) Relates to the treatment of mentally ill in prisons, relates to a residential treatment unit and a secure treatment unit, provides for mental health training for all department of correction staff who work in secure treatment units and residential treatment units, provides for transfer of inmates of any inmate whose continued retention in the general institution population is detrimental to the program of the institution to a segregated unit, exempts inmates with a serious mental illness.

Maryland H 1180 (2016) Requires the Department of Public Safety and Correctional Services to submit data to the Governor's Office of Crime Control and Prevention and the General Assembly regarding restrictive housing in correctional facilities, requires the Governor's Office of Crime Control and Prevention to provide public information regarding total population, number of inmates placed in restrictive housing, number of inmates with mental illness in restrictive housing and number of pregnant inmates in such housing.

Maryland S 946 (2016) Requires the Department of Public Safety and Correctional Services to submit data to the Governor's Office of Crime Control and Prevention and General Assembly showing, by a correctional facility, and in relation to restrictive housing, total prison population, the number of inmates placed therein or released therefrom with or without serious mental illness or while pregnant, average and median lengths of stay, the number of incidents of death or self-harm, and any changes to related policies and procedures.

Montana SJR 25 (2017) Requests the creation of an interim committee, or direct sufficient staff resources, to examine the extent of the use of solitary confinement in state and county institutions. Lists specific issues the study should include.

Nebraska L 598 (2015) Prohibits the use of solitary confinement; defined as "confinement of an inmate in an individual cell having solid, soundproof doors and which deprives the inmate of all visual and auditory contact with other persons." Prohibits use of restrictive housing unless it is done in the least restrictive manner that is consistent with maintaining order in the facility. Defines restrictive housing as "confinement that provides limited contact with other offenders, strictly controlled movement while out of cell, and out-of-cell time of less than 24 hours per week." Requires publically available rules for use of restrictive housing, including levels based on behavior, conditions and mental health status. Requires transition plans for transferring an inmate back to general population. Permits the use of disciplinary restrictions only as authorized by the rules. Requires the corrections director report on a long-term plan to reduce the use of restrictive housing. Establishes a restrictive housing work group to advise on the proper care and treatment of inmates in restrictive housing.

Nevada S 402 (2017) Prohibits the corrections department or a private facility from imposing solitary confinement on an inmate under the following circumstances. As part of a disciplinary sanction unless the facility provides written notice, a hearing and, if applicable, a psychological evaluation. Solely on the basis of a mental illness or other impairment of the inmate however, if necessary for the safety of inmate, staff or any other person, place the inmate in solitary confinement in conjunction with daily evaluations by a provider of health care. Establishes procedure for a disciplinary sanction hearing and imposing segregation. Requires additional actions if the violation is believed to have been caused by a mental health or medical condition. Limits the period of disciplinary segregation to the minimum time required to address the violation or threat of harm. Lists time limits based on severity of the violation. Requires certain provisions and accommodations be provided to inmates in segregation. Allows for petitions of early release from segregation.

New Mexico SM 40 / HM 62 (2011) Requests a legislative working group to gather information on the use of solitary confinement in public and private correctional facilities in New Mexico, determine the impact of solitary confinement on inmates, and assess its effectiveness in reducing problems and costs. Requires the working group to include members from the corrections department, veterans' service department, Disability Rights New Mexico, the NM psychological association, psychiatric medical association of NM, ACLU, NM medical society, American Medical Association, NM



women's justice project, NM faith community and juvenile justice division of the children, youth and families department and a former district court of appeals or NM supreme court judge. Directs collection of information on the effectiveness of prisoner classification levels, solitary confinement placement criteria, whether solitary confinement staff receive specialized training, results of any solitary confinement evaluations in NM and other states, and the effectiveness of step-down units to transition inmates from solitary confinement to ordinary incarceration or the community. Requests that the group also collect data and statistics on the number of inmates in NM in solitary confinement with mental illness, the number of health professionals working with solitary confinement inmates, number of suicides among solitary confinement inmates and other relevant data, and examine and describe the conditions of solitary confinement in NM's public and private prison. Requires an initial report of findings by October 2012, and a final report by October 2012.

Oregon H 2482 (2011), Establishes the Task Force on Shared Housing of Special Populations in County Jails and directs it to explore the feasibility of dedicating certain housing units within a local correctional facility to specific inmate populations requiring segregated housing, as well as using the special units on a regional basis. Requires the task force to submit a report, including legislative recommendations, to an interim judiciary committee of the Legislative Assembly.

Rhode Island H 5062 (2017) Extends the legislative commission created to study the use of solitary confinement.

Rhode Island H 8206 (2016) Creates a special legislative study commission whose purpose it would be to make a comprehensive study and assess the use of solitary confinement in the Rhode Island ACI.

Texas H 1083 (2015) Relates to a mental health assessment of certain inmates of the State Department of Criminal Justice, provides that before the department may confine an inmate in administrative segregation, an appropriate medical or mental health care professional must perform a mental health assessment of the inmate, provides that the department may not confine an inmate in administrative segregation if the assessment indicates that type of confinement is not appropriate for the inmate's medical or mental health.

Texas S 1003 (2013) Establishes a task force, subject to availability of funds, to conduct a comprehensive review of adult and juvenile administrative segregation policies and practices. Requires the review to include transfer to and release from administrative segregation, security threat group classification, notification of release, release procedures, access to services by adults and juveniles in administrative segregation, access to veteran specific services by veterans in administrative segregation, the number of adults and juveniles confined in administrative segregation who were referred to mental health professionals, and the rate of recidivism for inmates who were confined in administrative segregation at any time. Requires the task force to make findings and policy recommendations by December 31, 2014.

Vermont S 61 (2017) Declares legislative intent concerning use of segregation that the corrections department continue to house inmates in the least restrictive setting necessary to ensure their own safety and that of staff and other inmates, to use segregation only for specific disciplinary or administrative purposes defined by law, and to ensure inmates designated as seriously functionally impaired or those with serious mental illness receive needed support and rehabilitative services. Amends the definition of segregation to state that it does not include confinement to an infirmary or residential treatment setting for evaluation, treatment or provision of services.

Vermont S 116 (2016) Requires a hearing before an inmate can be placed in administrative segregation, regardless of whether that inmate has been designated as having a serious functional impairment.

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