

2020 Regular Session

HOUSE BILL NO. 344

BY REPRESENTATIVE LANDRY

CORRECTIONS: Prohibits the use of solitary confinement for certain persons

1 AN ACT

2 To amend and reenact R.S. 15:865, relative to solitary confinement; to prohibit the use of  
3 solitary confinement for certain persons; to provide for exceptions; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:865 is hereby amended and reenacted to read as follows:

7 §865. Solitary confinement abolished

8 A. No Except as provided in Subsections B and C of this Section, no prisoner  
9 in the state penitentiary shall be placed in solitary confinement, except in enforcing  
10 obedience to the police regulations of the penitentiary.

11 B. Notwithstanding Subsection A of this Section and except as provided in  
12 Subsection C of this Section, no prisoner in any penal or correctional institution who  
13 is pregnant, or is less than eight weeks post medical release following a pregnancy,  
14 or is caring for a child in a penal or correctional institution shall be placed in solitary  
15 confinement.

16 C. The provisions of this Section prohibiting the placement of prisoners in  
17 solitary confinement does not apply under either of the following circumstances:

18 (1) The prisoner has engaged in an act of violence while incarcerated that  
19 either resulted in or was likely to result in serious bodily injury or death to another.

- 1                    (2) There is reasonable cause to believe that the use of solitary confinement  
2                    is necessary to reduce a substantial risk of imminent serious bodily injury or death  
3                    to another, as evidenced by the prisoner's recent conduct while incarcerated.
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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 344 Engrossed

2020 Regular Session

Landry

**Abstract:** Prohibits the use of solitary confinement for certain persons except under certain circumstances.

Present law provides that no prisoner in the state penitentiary shall be placed in solitary confinement, except in enforcing obedience to the police regulations of the penitentiary.

Proposed law provides that, notwithstanding present law and except as otherwise provided by proposed law, no prisoner in any penal or correctional institution who is pregnant, is less than eight weeks post medical release following a pregnancy, or is caring for a child in a penal or correctional institution shall be placed in solitary confinement.

Proposed law provides that the provisions of present and proposed law prohibiting the placement of prisoners in solitary confinement do not apply under either of the following circumstances:

- (1) The prisoner has engaged in an act of violence while incarcerated that either resulted in or was likely to result in serious bodily injury or death to another.
- (2) There is reasonable cause to believe that the use of solitary confinement is necessary to reduce a substantial risk of imminent serious bodily injury or death to another, as evidenced by the prisoner's recent conduct while incarcerated.

(Amends R.S. 15:865)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law provisions that prohibit solitary confinement of persons who suffer from certain serious mental illnesses.
2. Add certain exceptions to the present and proposed law prohibition on the placement of prisoners in solitary confinement.