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## DIGEST

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HB 68 Original

2021 Regular Session

Landry

**Abstract:** Provides relative to the prohibition on the use of solitary confinement for certain persons, provides for definitions, and requires specific mental illness training for certain persons.

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.

Present law further provides that, except as otherwise provided by present 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.

Present law provides that the provisions of present 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.

Proposed law retains present law.

Proposed law defines "department" as the Department of Public Safety and Corrections.

Proposed law defines "healthcare provider" as having the same meaning as defined in R.S. 22:1831 and that healthcare provider shall not include any physician or other healthcare practitioner who has a restricted, suspended, or revoked license as described in R.S. 37:1285.

Proposed law defines "solitary confinement" as any form of housing, segregation, or both that limits meaningful access to social interaction, counseling, medical care, visitation, outdoor recreation, or other therapeutic programming in a manner more restrictive than for the general population and includes but is not limited to disciplinary, preventative, and administrative housing, segregation, or both.

Proposed law makes present law applicable to private correctional institutions as well as facilities

owned by the department.

Proposed law expands present law restrictions on the use of solitary confinement to include that persons with the following conditions shall not be placed in solitary confinement:

- (1) Persons who have been diagnosed by a healthcare provider at intake, or in the previous five years, or at any time during incarceration, with a Level 1, Level 2, or Level 3 mental health classification as provided for in the policies, rules, and regulations promulgated by the department.
- (2) Persons who have, or had a record of, mental impairment that substantially limits one or more major life activities as defined under the Americans with Disabilities Act (42 U.S.C. 12102).

Proposed law requires the department to ensure that the curriculum for new corrections officers, other new department staff, or staff of any facility who contracts with the department and regularly works in programs providing mental health treatment for prisoners shall include at least eight hours of training regarding mental illness and mental illness with regard to the prisoners.

Proposed law further requires that all department staff and the staff of any facility who contracts with the department who has direct prisoner contact shall receive annual training regarding mental illness.

(Amends R.S. 15:865)