AN ACT

RELATING TO CORRECTIONS; ENACTING THE ISOLATED CONFINEMENT ACT;
PROVIDING RESTRICTIONS ON THE USE OF ISOLATED CONFINEMENT;
REQUIRING REPORTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Isolated Confinement Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Isolated Confinement Act:

A. "correctional facility" means a jail, prison or
other detention facility, whether operated by a government or
private contractor, that is used for the confinement of adult
or juvenile persons who are charged with or convicted of a
violation of a law or ordinance;

B. "inmate" means an adult or juvenile person who
is under sentence to or confined in a correctional facility;

C. "isolated confinement", whether instituted pursuant to disciplinary, administrative, inmate classification or other action, means confinement of an inmate in a cell or similar living quarters in a correctional facility for twenty-two or more hours each day; and

D. "serious mental disability" means having current symptoms or receiving current treatment for:

   (1) the following conditions that meet the diagnostic criteria published in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, also known as DSM-V, or the most recent edition of that publication, published by the American psychiatric association:

      (a) schizophrenia, and all subtypes of schizophrenia;

      (b) delusional disorder;

      (c) schizophreniform disorder;

      (d) schizoaffective disorder;

      (e) brief psychotic disorder;

      (f) substance-induced psychotic disorder, excluding intoxication and withdrawal;

      (g) psychotic disorder not otherwise specified;

      (h) major depressive disorders; and

      (i) bipolar disorder I and II;

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(2) diagnosis with a mental disorder that includes being actively suicidal;

(3) diagnosis with a serious mental illness that is frequently characterized by breaks with reality or perceptions of reality that lead the person to significant functional impairment;

(4) diagnosis with an organic brain syndrome that results in a significant functional impairment if not treated;

(5) diagnosis with a severe personality disorder that is manifested by frequent episodes of psychosis or depression and that results in significant impairment; and

(6) diagnosis with intellectual disability with significant functional impairment.

SECTION 3. [NEW MATERIAL] RESTRICTIONS ON THE USE OF ISOLATED CONFINEMENT.--

A. Beginning July 1, 2017, an inmate who is younger than eighteen years of age shall not be placed in isolated confinement.

B. Beginning July 1, 2017, an inmate who is a pregnant woman shall not be placed in isolated confinement.

C. Beginning January 1, 2018, an inmate who has a known serious mental disability shall not be placed in isolated confinement, except as provided in this subsection. If a warden, jail administrator or person in charge of a facility
finds that an inmate with a serious mental disability needs to be placed in isolated confinement because of a situation that involves imminent threat of physical harm to the inmate or another person, the inmate may be placed in isolated confinement for no longer than forty-eight hours and the warden, jail administrator or person in charge of the facility shall:

(1) make a written record of the facts and circumstances that necessitated the inmate’s placement in isolated confinement;

(2) prepare a written action plan describing how the facility will transition the inmate out of isolated confinement at the earliest opportunity; and

(3) notify the facility’s medical professional in writing that the inmate was placed in isolated confinement in accordance with this subsection.

SECTION 4. [NEW MATERIAL] CORRECTIONAL FACILITIES--
TRANSPARENCY AND REPORTING.--Beginning July 1, 2017, and every three months thereafter, every correctional facility shall:

A. produce a report that includes:

(1) the age, gender and ethnicity of every inmate who was placed in isolated confinement during the previous three months, including every inmate who is in isolated confinement at the time the report is produced;

(2) the reason isolated confinement was
instituted for each inmate listed in the report; and

(3) the dates on which each inmate was placed
in and released from isolated confinement during the previous
three months; and

B. submit a report prepared in accordance with
Subsection A of this section to:

(1) the legislature, if the correctional
facility is a prison; and

(2) the board of county commissioners of the
county in which the correctional facility is located, if the
facility is a jail.

SECTION 5. [NEW MATERIAL] PRIVATE CORRECTIONAL
FACILITIES--ANTICORRUPTION AND REPORTING.--Beginning July 1,
2017, and every three months thereafter, every private
correctional facility shall submit to the board of county
commissioners of the county in which the private correctional
facility is located and to the legislature a report of all
monetary settlements that were paid to inmates or former
inmates as a result of lawsuits filed by the inmates or former
inmates against the private correctional facility or its
employees.

SECTION 6. [NEW MATERIAL] REPORTS FILED WITH LEGISLATIVE
LIBRARY.--On the date that a report is submitted to a board of
county commissioners pursuant to Section 4 or 5 of the Isolated
Confinement Act, a copy of the report shall be submitted to the
SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.