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:

(1) for twenty-two or more hours each day; or

(2) with minimal meaningful interaction with another person and limited or no opportunities to participate in educational, vocational or rehabilitative programs; and

D. "serious mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life and includes 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;

(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 illness shall not be placed in isolated confinement.

SECTION 4. [NEW MATERIAL] CORRECTIONAL FACILITIES--TRANSPARENCY AND REPORTING.--Beginning July 1, 2017, and every three months thereafter, every correctional facility shall submit to the county commission of the county in which the correctional facility is located and to the legislature a report that includes:

A. the name, age 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 submitted;

B. the reason isolated confinement was instituted for each inmate named in the report; and

C. the dates on which each inmate was placed in and released from isolated confinement during the previous three months.

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 county commission of the county in which the private correctional facility is located.
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 pursuant to
Sections 4 and 5 of the Isolated Confinement Act, a copy of the
report shall be submitted to the legislative council service
library.

SECTION 7. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2017.

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