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SENATE BILL 185

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Mary Kay Papen

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

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1 is under sentence to or confined in a correctional facility;

2 C. "isolated confinement", whether instituted
3 pursuant to disciplinary, administrative, inmate classification
4 or other action, means confinement of an inmate in a cell or
5 similar living quarters in a correctional facility:

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

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

10 D. "serious mental illness" means a substantial
11 disorder of thought or mood that significantly impairs
12 judgment, behavior, capacity to recognize reality or ability to
13 cope with the ordinary demands of life and includes having
14 current symptoms or receiving current treatment for:

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

20 (a) schizophrenia, and all subtypes of
21 schizophrenia;

22 (b) delusional disorder;

23 (c) schizophreniform disorder;

24 (d) schizoaffective disorder;

25 (e) brief psychotic disorder;

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- 1 (f) substance-induced psychotic
2 disorder, excluding intoxication and withdrawal;
3 (g) psychotic disorder not otherwise
4 specified;
5 (h) major depressive disorders; and
6 (i) bipolar disorder I and II;
7 (2) diagnosis with a mental disorder that
8 includes being actively suicidal;
9 (3) diagnosis with a serious mental illness
10 that is frequently characterized by breaks with reality or
11 perceptions of reality that lead the person to significant
12 functional impairment;
13 (4) diagnosis with an organic brain syndrome
14 that results in a significant functional impairment if not
15 treated;
16 (5) diagnosis with a severe personality
17 disorder that is manifested by frequent episodes of psychosis
18 or depression and that results in significant impairment; and
19 (6) diagnosis with intellectual disability
20 with significant functional impairment.

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

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

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

3 C. Beginning January 1, 2018, an inmate who has a
4 known serious mental illness shall not be placed in isolated
5 confinement.

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

12 A. the name, age and ethnicity of every inmate who
13 was placed in isolated confinement during the previous three
14 months, including every inmate who is in isolated confinement
15 at the time the report is submitted;

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

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

21 **SECTION 5. [NEW MATERIAL] PRIVATE CORRECTIONAL**
22 **FACILITIES--ANTICORRUPTION AND REPORTING.--**Beginning July 1,
23 2017, and every three months thereafter, every private
24 correctional facility shall submit to the county commission of
25 the county in which the private correctional facility is

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1 located and to the legislature a report of all monetary
2 settlements that were paid to inmates or former inmates as a
3 result of lawsuits filed by the inmates or former inmates
4 against the private correctional facility or its employees.

5 SECTION 6. [NEW MATERIAL] REPORTS FILED WITH LEGISLATIVE
6 LIBRARY.--On the date that a report is submitted pursuant to
7 Sections 4 and 5 of the Isolated Confinement Act, a copy of the
8 report shall be submitted to the legislative council service
9 library.

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