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HOUSE BILL 193

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO CORRECTIONS; PROVIDING RESTRICTIONS ON THE USE OF  
ISOLATED CONFINEMENT; REQUIRING REPORTING; MAKING AN  
APPROPRIATION.

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" means confinement of an  
3 inmate in a cell or similar living quarters in a correctional  
4 facility for twenty-two or more hours each day, which  
5 confinement severely restricts the inmate's activity, movement  
6 and social interaction, whether the confinement is instituted  
7 pursuant to disciplinary, administrative, inmate classification  
8 or other action; and

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

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

- 18 (a) schizophrenia, and all subtypes of  
19 schizophrenia;
- 20 (b) delusional disorder;
- 21 (c) schizophreniform disorder;
- 22 (d) schizoaffective disorder;
- 23 (e) brief psychotic disorder;
- 24 (f) substance-induced psychotic  
25 disorder, excluding intoxication and withdrawal;

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1 (g) psychotic disorder not otherwise  
2 specified;

3 (h) major depressive disorders; and

4 (i) bipolar disorder I and II;

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

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

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

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

17 (6) diagnosis with mental retardation with  
18 significant functional impairment.

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

21 A. Beginning July 1, 2016, an inmate who is younger  
22 than eighteen years of age shall not be placed in isolated  
23 confinement.

24 B. Beginning July 1, 2016, an inmate who is a  
25 pregnant woman shall not be placed in isolated confinement.

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1 C. Beginning January 1, 2017, an inmate who has a  
2 known serious mental illness shall not be placed in isolated  
3 confinement.

4 D. Beginning January 1, 2018, an inmate shall not  
5 be housed in isolated confinement for more than:

- 6 (1) fifteen consecutive days; and  
7 (2) a total of sixty days in a twelve-month  
8 period.

9 SECTION 4. [NEW MATERIAL] CORRECTIONAL FACILITIES--  
10 TRANSPARENCY AND REPORTING.--Beginning July 1, 2016, and every  
11 three months thereafter, every correctional facility shall  
12 submit to the county commission of the county in which the  
13 correctional facility is located and to the legislature a  
14 report that includes:

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

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

21 C. the number of days each inmate spent in isolated  
22 confinement during the previous three months.

23 SECTION 5. [NEW MATERIAL] PRIVATE CORRECTIONAL  
24 FACILITIES--ANTICORRUPTION AND REPORTING.--Beginning July 1,  
25 2016, and every three months thereafter, every private

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1 correctional facility shall submit to the county commission of  
2 the county in which the private correctional facility is  
3 located and to the legislature a report of all monetary  
4 settlements that were paid to inmates or former inmates as a  
5 result of lawsuits filed by the inmates or former inmates  
6 against the private correctional facility or its employees.

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

12 SECTION 7. APPROPRIATION.--

13 A. Fifty thousand dollars (\$50,000) is appropriated  
14 from the general fund to the corrections department for  
15 expenditure in fiscal year 2017 for preparation of reports  
16 required pursuant to the Isolated Confinement Act. Any  
17 unexpended or unencumbered balance remaining at the end of  
18 fiscal year 2017 shall revert to the general fund.

19 B. Fifty thousand dollars (\$50,000) is appropriated  
20 from the general fund to the local government division of the  
21 department of finance and administration for expenditure in  
22 fiscal year 2017 for preparation of reports required pursuant  
23 to the Isolated Confinement Act. Any unexpended or  
24 unencumbered balance remaining at the end of fiscal year 2017  
25 shall revert to the general fund.

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SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.