

BILL NUMBER: S1623

SPONSOR: SEPULVEDA

TITLE OF BILL:

An act to amend the correction law, in relation to restricting the use of segregated confinement and creating alternative therapeutic and rehabilitative confinement options

PURPOSE:

This bill will be known as the "Humane Alternatives to Long-Term Solitary Confinement" Act (the HALT Solitary Confinement Act.) This bill would limit the time an inmate can spend in segregated confinement, end the segregated confinement of vulnerable people, restrict the criteria that can result in such confinement, improve conditions of confinement, and create more humane and effective alternatives to such confinement.

SUMMARY OF PROVISIONS:

Section 1 clarifies that the bill's provisions apply to all types and locations of segregated confinement.

Section 2 defines "special populations" and "residential rehabilitation units".

Section 3 prohibits the use of special diets as punishment.

Section 4 provides for mental health screening and a heightened level of care for prisoners placed into segregated confinement or residential rehabilitation units.

Section 5 prohibits placement of individuals who are in one of the special populations in SHU and limits their keep-lock placement to 48 hours; prohibits placement of any inmate in segregated confinement for more than 15 consecutive days or 20 out of 60 days unless specific acts are committed while in such confinement; specifies certain conditions of confinement and programs within residential rehabilitation units; creates a safety exception for people committing serious disciplinary infractions in SHU and residential rehabilitation units; prohibits the use of restraints in the residential rehabilitation units unless necessary for safety and security; prohibits placement of individuals in protective custody in segregated confinement; provides for periodic review of a person's placement in residential rehabilitation units; reinstates lost good time for successful completion of the residential rehabilitation unit program goals; provides for training of staff; and provides for public reporting.

Section 6 creates a preference for non-disciplinary interventions by the department.

Section 7 provides that services in residential mental health treatment units shall be at least comparable to services in residential rehabilitation units.

concluded that solitary confinement can amount to torture and recommended abolishing its use beyond 15 days and prohibiting any use of solitary for vulnerable groups or for purposes of punishment. The New York Civil Liberties Union and others have issued reports documenting the arbitrary and unjustified use of segregated confinement in New York and the negative impact its use has on incarcerated persons, staff, and safety in our prisons and communities. The New York State Bar Association has called upon the state and city corrections departments to profoundly restrict the use of segregated confinement, end segregated confinement beyond 15 days, adopt stringent criteria for any separation and ensure any separation is for the briefest period and in the least restrictive conditions practicable. This bill takes up the growing call to limit segregated confinement and provide more humane and effective alternatives.

#### LEGISLATIVE HISTORY:

2016: S.2659 was referred to crime victims, crime and correction.

2017: S.4784 was referred to crime victims, crime and correction.

2018: S.4748 was amended and recommitted to crime victims, crime and correction.

2018: Assembly passed the bill (A3080-B).

#### FISCAL IMPLICATIONS:

To be determined.

#### LEGAL/FISCAL IMPLICATIONS:

To be determined.

#### EFFECTIVE DATE:

This act will take effect one year after it becomes law.