

1 HOUSE BILL 376

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Antonio "Moe" Maestas

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10 AN ACT

11 RELATING TO CORRECTIONS; PROVIDING RESTRICTIONS ON THE USE OF  
12 ISOLATED CONFINEMENT; REQUIRING REPORTING.

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

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

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

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

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

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

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

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

17                           (a) schizophrenia, and all subtypes of  
18 schizophrenia;

19                           (b) delusional disorder;

20                           (c) schizophreniform disorder;

21                           (d) schizoaffective disorder;

22                           (e) brief psychotic disorder;

23                           (f) substance-induced psychotic

24 disorder, excluding intoxication and withdrawal;

25                           (g) psychotic disorder not otherwise

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1 specified;

2 (h) major depressive disorders; and

3 (i) bipolar disorder I and II;

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

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

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

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

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

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

20 A. Inmates who are younger than eighteen years of  
21 age shall not be placed in isolated confinement.

22 B. Inmates who have a serious mental illness shall  
23 not be placed in isolated confinement.

24 C. Inmates in correctional facilities shall not be  
25 housed in isolated confinement for more than:

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

4 SECTION 4. [NEW MATERIAL] CORRECTIONAL FACILITIES--  
5 TRANSPARENCY AND REPORTING.--Beginning July 1, 2015, and every  
6 three months thereafter, every correctional facility shall  
7 submit to the county commission of the county in which the  
8 correctional facility is located and to the legislature a  
9 report that includes:

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

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

16 C. whether each inmate named in the report has a  
17 serious mental illness; and

18 D. the number of days each inmate spent in isolated  
19 confinement during the previous three months.

20 SECTION 5. [NEW MATERIAL] PRIVATE CORRECTIONAL  
21 FACILITIES--ANTICORRUPTION AND REPORTING.--Beginning July 1,  
22 2015, and every three months thereafter, every private  
23 correctional facility shall submit to the county commission of  
24 the county in which the private correctional facility is  
25 located and to the legislature a report of all monetary

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1 settlements that were paid to inmates or former inmates as a  
2 result of lawsuits filed by the inmates or former inmates  
3 against the private correctional facility or its employees.

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

9 SECTION 7. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2015.