

1 AN ACT relating to solitary confinement.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
4 READ AS FOLLOWS:

5 (1) (a) As used in this section, "solitary confinement" means the placement of an
6 inmate in a locked room or cell alone with minimal or no contact with
7 persons other than guards, correctional facility staff, and attorneys.

8 (b) Using different terminology for the practice described in paragraph (a) of
9 this subsection, such as room confinement, administrative segregation,
10 segregated housing, protective custody, restrictive housing, restricted
11 housing, restricted engagement, close confinement, special management
12 unit, intensive management unit, administrative detention, nonpunitive
13 isolation, temporary isolation reflection cottage, or maximum custody,
14 among others, does not exempt a practice from being solitary confinement.

15 (c) The use of single person sleeping rooms during ordinary sleeping or rest
16 periods does not constitute solitary confinement.

17 (d) The short-term placement of inmates in individual cells for purposes of
18 facility or living unit security issues, or for other short-term facility physical
19 plant safety and maintenance issues, does not constitute solitary
20 confinement.

21 (2) Solitary confinement may not be used for disciplinary or punishment purposes
22 and is prohibited in all detention facilities and institutions except:

23 (a) When, based on the inmate's behavior, solitary confinement is necessary to
24 prevent imminent and significant physical harm to the person detained or to
25 others, and less restrictive alternatives were unsuccessful; and

26 (b) Jails.

27 (3) Before any inmate is placed in solitary confinement, less restrictive alternatives

1 must be utilized. These include but are not limited to:

2 (a) De-escalation rooms;

3 (b) Loss of privileges;

4 (c) Loss of good time;

5 (d) Restricted privileges dorm;

6 (e) Extra duty; and

7 (f) Forfeiture of good time.

8 (4) If less restrictive alternatives to solitary confinement are unsuccessful and an
9 inmate is placed in solitary confinement, the solitary confinement shall end as
10 soon as the inmate demonstrates physical and emotional control.

11 (5) The cabinet shall, by December 1, 2022, promulgate administrative regulations
12 for solitary confinement in facilities with the goal of limiting its use and duration.
13 Administrative regulations promulgated pursuant to this subsection shall
14 include:

15 (a) Preventative measures to protect the safety and security of incarcerated
16 persons, the staff of the detention facilities and institutions, other persons
17 who work in the detention facilities and institutions, and visitors;

18 (b) Procedures to ensure continued access to ordinary necessities such as
19 medication and meals for the inmate placed in solitary confinement;

20 (c) A limit on the duration of any solitary confinement to no more than eight
21 (8) hours in any twenty-four (24) hour period;

22 (d) A requirement that if after eight (8) hours in solitary confinement the
23 inmate has not demonstrated physical and emotional control or the inmate
24 still poses a threat of harm to self or others the inmate shall be evaluated by
25 a medical professional or a qualified mental health professional;

26 (e) After evaluation of the person placed in solitary confinement a qualified
27 mental health professional shall develop a care plan, that may include

1 further evaluation and treatment at a psychiatric facility; and

2 (f) Any use of solitary confinement shall be subject to review by supervisors;

3 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) The department shall provide an annual solitary confinement report to the
6 Legislative Research Commission and the Judiciary Committee by January 31,
7 2023, and by each January thereafter. The report shall include for the preceding
8 year:

9 (a) The age, gender, and ethnicity of every inmate placed in solitary
10 confinement;

11 (b) The reason each inmate was placed in solitary confinement; and

12 (c) The dates each inmate was placed in and released from solitary
13 confinement.

14 (2) The annual solitary confinement report shall be published on the Legislative
15 Research Commission's Web site.