

Amendment No. 746

Assembly Amendment to Senate Bill No. 107 First Reprint (BDR 5-519)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SRT/BFG



Date: 5/20/2013

S.B. No. 107—Restricts the use of solitary confinement and corrective room restriction on children in confinement. (BDR 5-519)



SENATE BILL NO. 107—COMMITTEE ON JUDICIARY

FEBRUARY 11, 2013

Referred to Committee on Judiciary

SUMMARY—Restricts the use of ~~solitary confinement and~~ corrective room restriction on children in confinement. (BDR 5-519)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the administration of justice; restricting the use of ~~solitary confinement and~~ corrective room restriction on children who are in confinement in a state, local or regional facility for the detention of children; requiring the Advisory Commission on the Administration of Justice to conduct a study concerning detention and incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Sections 1 and 2 of this bill prohibit the use of solitary confinement on a child who is detained in a state, local or regional facility for the detention of children.~~ **Sections 1 and 2 of this bill** authorize the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children only if all other less-restrictive options have been exhausted and only to: (1) modify the negative behavior of the child; (2) hold the child accountable for a violation of a rule of the facility; or (3) ensure the safety of the child, the staff or others or to ensure the security of the facility. **Sections 1 and 2** also: (1) specify certain actions that must be taken with respect to a child subjected to corrective room restriction; ~~and~~ (2) provide that if a child is subjected to corrective room restriction, the period of corrective room restriction must be the minimum time required to address the negative behavior, rule violation or threat ~~to~~ ; **and (3) provide that a child must not be subjected to corrective room restriction for more than 72 consecutive hours.**

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) **Section 7** of this bill requires the Commission to conduct a study concerning certain aspects of detention and incarceration in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. A local or regional facility for the detention of children shall not subject a child to solitary confinement.~~

~~2. A child who is detained in a local or regional facility for the detention of children may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:~~

~~(a) Modifying the negative behavior of the child;~~

~~(b) Holding the child accountable for a violation of a rule of the facility; or~~

~~(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.~~

~~3. Any disciplinary action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.~~

3. A local or regional facility for the detention of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals ~~and~~ and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local or regional facility for the detention of children shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A local or regional facility for the detention of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for ~~more than 5 days~~ 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

~~7. 8. As used in this section~~

~~(a) "Corrective"~~ "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action

~~(b) "Solitary confinement" means the involuntary holding of a child in total isolation from any other person, other than staff of the facility or an attorney, for more than 16 hours each day, including, without limitation, isolation from sight or sound, out of view or any form of communication outside of the cell.~~ and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 2. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. A facility shall not subject a child to solitary confinement.~~

~~2. A child who is detained in a facility may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:~~

~~(a) Modifying the negative behavior of the child;~~

~~(b) Holding the child accountable for a violation of a rule of the facility; or~~

~~(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.~~

~~3. Any disciplinary action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.~~

3. A facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals ~~and~~ and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A facility shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A facility shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for more than ~~15 days~~ 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section ~~is~~

~~(a) "Corrective," "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action.~~

~~(b) "Solitary confinement" means the involuntary holding of a child in total isolation from any other person, other than staff of the facility or an attorney, for more than 16 hours each day, including, without limitation, isolation from sight or sound, out of view or any form of communication outside of the cell. and includes, without limitation:~~

~~(a) Administrative seclusion;~~

~~(b) Behavioral room confinement;~~

~~(c) Corrective room rest; and~~

~~(d) Room confinement.~~

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, during the 2013-2014 interim, conduct a study concerning detention and incarceration in this State. The study must include, without limitation, an evaluation of:

1. Procedures regarding placement in, and release from, protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction and solitary confinement;

2. Security threat group identification, including, without limitation, any information relating to gang activity;

3. Notification of release and release procedures;

4. Access provided to children, offenders and prisoners confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement to:

(a) Mental health services;

(b) Audio and visual media for appropriate mental stimulation;

(c) Daily contact with staff;

(d) Health care services;

(e) Substance abuse programs and services;

(f) Reentry resources and transitional programs and services;

(g) Programs and services for offenders and prisoners who are veterans;

(h) Educational programming; and

(i) Other programs and services that are available to the general population;

5. The amount of specialized training provided to staff who interact with children, offenders and prisoners who are confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

6. The number of children, offenders and prisoners confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement who were referred to mental health professionals;

7. The number of children, offenders and prisoners in the general population who were referred to mental health professionals;

8. The number of children, offenders and prisoners confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement who have a mental health diagnosis;

9. The number of children, offenders and prisoners in the general population who have a mental health diagnosis;

10. The number of suicides and suicide attempts during the years of 2010, 2011 and 2012 among children, offenders and prisoners who are confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

11. The number of suicides and suicide attempts during the years of 2010, 2011 and 2012 among children, offenders and prisoners in the general population;

12. The number of reviews conducted by facilities concerning the placement of a child, offender or prisoner in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement that resulted in the child, offender or prisoner being transferred to the general population;

13. The average length of time children, offenders and prisoners were continuously confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;

14. The longest and shortest length of time a child, offender or prisoner was continuously confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;

15. A summary of the reasons for which children, offenders and prisoners were placed in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

16. The rate of recidivism among children, offenders and prisoners who were confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement at any time before release or discharge;

17. The rate of recidivism among children, offenders and prisoners who were never confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

18. The number of children, offenders and prisoners who were confined in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement immediately before being discharged from detention, including those discharged to parole or mandatory supervision; and

19. A calculation of the cost per day of confining a child, offender and prisoner in protective segregation, administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement.