

SENATE BILL NO. 107—COMMITTEE ON JUDICIARY

FEBRUARY 11, 2013

Referred to Committee on Judiciary

SUMMARY—Restricts the use of solitary confinement on persons 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 on persons who are in confinement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1 and 2** of this bill prohibit the use of solitary confinement on a child
2 who is detained in a state, local or regional facility for the detention of children,
3 unless: (1) the child presents a serious and immediate risk of harm to himself or
4 herself, staff or others or to the security of the facility; and (2) all other less-
5 restrictive options have been exhausted. **Sections 1 and 2** further prohibit the use of
6 solitary confinement for the purpose of disciplining or punishing a child and
7 provide that if a child is held in solitary confinement, the period of solitary
8 confinement must be the minimum time required to address the threat and must end
9 if the mental or physical health of the child is compromised.
10 **Sections 3 and 4** of this bill apply the same prohibitions and limitations on the
11 use of solitary confinement on a person confined in a prison, jail or other detention
12 facility, with similar exceptions.

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

1 **Section 1.** Chapter 62B of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. A local or regional facility for the detention of children***
4 ***shall not use solitary confinement for the purpose of disciplining***
5 ***or punishing a child.***



1 2. *A child who is detained in a local or regional facility for*
2 *the detention of children must not be subjected to solitary*
3 *confinement unless:*

4 (a) *There are compelling reasons to believe that the child*
5 *presents a serious and immediate threat of harm to himself or*
6 *herself, staff or others or to the security of the facility; and*

7 (b) *All other less-restrictive options have been exhausted.*

8 3. *A child who is held in solitary confinement may be held in*
9 *solitary confinement only for the minimum time required to*
10 *address the threat of harm to the child, staff or others or to the*
11 *security of the facility, but only if the mental and physical health*
12 *of the child is not compromised.*

13 4. *As used in this section, "solitary confinement" means the*
14 *involuntary holding of a child in isolation from any other person,*
15 *other than staff and an attorney, for 16 or more hours per day.*

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

18 1. *A facility shall not use solitary confinement for the*
19 *purpose of disciplining or punishing a child.*

20 2. *A child who is detained in a facility must not be subjected*
21 *to solitary confinement unless:*

22 (a) *There are compelling reasons to believe that the child*
23 *presents a serious and immediate threat of harm to himself or*
24 *herself, staff or others or to the security of the facility; and*

25 (b) *All other less-restrictive options have been exhausted.*

26 3. *A child who is held in solitary confinement may be held in*
27 *solitary confinement only for the minimum time required to*
28 *address the threat of harm to the child, staff or others or to the*
29 *security of the facility, but only if the mental and physical health*
30 *of the child is not compromised.*

31 4. *As used in this section, "solitary confinement" means the*
32 *involuntary holding of a child in isolation from any other person,*
33 *other than staff and an attorney, for 16 or more hours per day.*

34 **Sec. 3.** Chapter 209 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. *The Department or a private facility or institution shall not*
37 *use solitary confinement for the purpose of disciplining or*
38 *punishing an offender.*

39 2. *An offender who is confined in an institution or facility of*
40 *the Department or a private facility or institution must not be*
41 *subjected to solitary confinement unless:*

42 (a) *There are compelling reasons to believe that the offender*
43 *presents a serious and immediate threat of harm to himself or*
44 *herself, staff or others or to the security of the institution or*
45 *facility; and*



1 ***(b) All other less-restrictive options have been exhausted.***

2 ***3. An offender who is held in solitary confinement may be***
3 ***held in solitary confinement only for the minimum time required***
4 ***to address the threat of harm to the offender, staff or others or to***
5 ***the security of the institution or facility, but only if the mental and***
6 ***physical health of the offender is not compromised.***

7 ***4. As used in this section, "solitary confinement" means the***
8 ***involuntary holding of an offender in isolation from any other***
9 ***person, other than staff and an attorney, for 16 or more hours per***
10 ***day.***

11 **Sec. 4.** Chapter 211 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 ***1. A sheriff, chief of police or town marshal shall not use***
14 ***solitary confinement for the purpose of disciplining or punishing a***
15 ***prisoner.***

16 ***2. A prisoner who is confined in a county, city or town jail or***
17 ***detention facility must not be subjected to solitary confinement***
18 ***unless:***

19 ***(a) There are compelling reasons to believe that the prisoner***
20 ***presents a serious and immediate threat of harm to himself or***
21 ***herself, staff or others or to the security of the jail or detention***
22 ***facility; and***

23 ***(b) All other less-restrictive options have been exhausted.***

24 ***3. A prisoner who is held in solitary confinement may be held***
25 ***in solitary confinement only for the minimum time required to***
26 ***address the threat of harm to the prisoner, staff or others or to the***
27 ***security of the jail or detention facility, but only if the mental and***
28 ***physical health of the prisoner is not compromised.***

29 ***4. As used in this section, "solitary confinement" means the***
30 ***involuntary holding of a prisoner in isolation from any other***
31 ***person, other than staff and an attorney, for 16 or more hours per***
32 ***day.***

33 **Sec. 5.** NRS 211.118 is hereby amended to read as follows:

34 211.118 As used in NRS 211.118 to 211.200, inclusive, ***and***
35 ***section 4 of this act,*** "public works" means the renovation, repair or
36 cleaning of any street, drainage facility, road, sidewalk, public
37 square, park or building, or cutting away hills, grading, putting in
38 sewers or other work, which is authorized to be done by and for the
39 use of any of the counties, cities or towns, and the expense of which
40 is not to be borne exclusively by persons or property particularly
41 benefited thereby. The term does not include any project to which
42 the provisions of NRS 338.020 apply.

43 **Sec. 6.** NRS 211.150 is hereby amended to read as follows:

44 211.150 1. ***⚡ Except as otherwise provided in section 4 of***
45 ***this act, if*** a prisoner is disobedient or disorderly, or does not



1 faithfully perform his or her tasks, the officers having charge of the
2 prisoner may take action to discipline and punish the prisoner. ~~The~~
3 ~~action may include confinement to an individual cell separate from~~
4 ~~other prisoners for the protection of the staff of the jail and other~~
5 ~~prisoners. An officer who confines a prisoner to an individual cell~~
6 ~~for any reason shall report his or her action as soon as possible to~~
7 ~~the person in charge of the jail.]~~
8 2. A report of the number of prisoners who are performing
9 work and the amount and type of work performed must be submitted
10 to the person in charge of the jail on the last day of each month.

