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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 493

01/28/2019 Authored by Zerwas, Dehn and Considine
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to corrections; establishing guidelines for the use of administrative and
1.3 disciplinary segregation in state correctional institutions; requiring a report;
1.4 proposing coding for new law in Minnesota Statutes, chapter 243.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.

1.7 Subdivision 1. Authorization. In any adult correctional facility under the control of the
1.8 commissioner of corrections, the commissioner may require an inmate to be placed in
1.9 disciplinary segregation for rule violations involving use of a weapon or infliction of bodily
1.10 harm, or in administrative segregation for the safety of the inmate or others, subject to the
1.11 requirements of this section.

1.12 Subd. 2. Conditions in segregated housing. The segregation unit shall provide regular
1.13 meals, fully furnished cells, appropriate reading materials, limited recreational facilities, at
1.14 least three hours a day out of cell, lights off during the nighttime hours, rights of
1.15 communication and visitation by those properly authorized, and other privileges as may be
1.16 established by the commissioner.

1.17 Subd. 3. Review of disciplinary segregation status. An inmate who serves 15 days in
1.18 disciplinary segregation shall have the inmate's segregation status reviewed at that time by
1.19 the warden of the institution and every 15 days thereafter. An inmate who serves 60 days
1.20 in disciplinary segregation shall have the inmate's segregation status reviewed at that time
1.21 by the commissioner of corrections and every 30 days thereafter.

1.22 Subd. 4. Graduated disciplinary sanctions. The commissioner shall design and
1.23 implement a graduated scale of responses to infractions, including reprimands, loss of

2.1 privileges, and restriction of motion within the institution, so that the use of disciplinary  
2.2 segregation is reserved for the most serious and persistent infractions.

2.3 Subd. 5. **Mental health assessments; transfer to treatment.** Prior to placement in a  
2.4 segregation unit within a state correctional facility, an inmate shall be screened by a qualified  
2.5 mental health professional to determine whether the inmate has a serious mental illness and  
2.6 whether there are any acute mental health contraindications to placement in a segregated  
2.7 unit. The screening shall be conducted in accordance with appropriate clinical standards.  
2.8 If the screening indicates a serious or acute mental illness, the inmate shall be placed in a  
2.9 secure treatment unit rather than segregation.

2.10 Subd. 6. **Mental health care within segregated housing.** A nurse shall check each  
2.11 inmate in segregated housing at least once every 24 hours. If the nurse detects mental health  
2.12 concerns with an inmate, the nurse shall report them to the mental health professional at  
2.13 the institution. The professional may order the transfer of a mentally ill inmate to a secure  
2.14 mental health treatment unit where the inmate shall receive psychiatric treatment.

2.15 Subd. 7. **Incentives for return to the general population.** The commissioner shall  
2.16 design and implement a system of incentives so that an inmate who demonstrates appropriate  
2.17 behavior can earn additional privileges and an accelerated return to the general population.

2.18 Subd. 8. **Discharge from segregated housing.** (a) The commissioner shall not release  
2.19 an inmate to the community directly from segregated housing. A segregated inmate must  
2.20 serve at least 30 days in the general population prior to the inmate's release to the community.

2.21 (b) An inmate who is being released from segregated housing to the general population  
2.22 after serving in that status for 30 days or more shall have a diagnostic assessment of mental  
2.23 health needs and appropriate treatment prior to returning to the general population.

2.24 Subd. 9. **Reporting.** By January 15, 2020, and by January 15 each year thereafter, the  
2.25 commissioner of corrections shall report to the chairs and ranking minority members of the  
2.26 house of representatives and senate committees with jurisdiction over public safety and  
2.27 judiciary on the status of the implementation of the provisions in this section. This report  
2.28 shall include, but not be limited to, data regarding:

2.29 (1) the number of inmates in each institution placed in segregation during the past year;

2.30 (2) the ages of inmates placed in segregation during the past year;

2.31 (3) the number of inmates transferred from segregation to the mental health treatment  
2.32 unit;

2.33 (4) the nature of the infractions leading to the use of segregation;

- 3.1 (5) the lengths of terms served in segregation, including terms served consecutively;
- 3.2 and
- 3.3 (6) any incidents of inmates not receiving at least one hour a day out of cell.