

2SHB 1756 - H AMD 881

By Representative Jacobsen

1 On page 13, line 4, after "basis" insert ", from July 1, 2022,"

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3 On page 13, line 10, after "confinement" strike ", the" and insert  
4 ":

5 (i) Whether the imposition of solitary confinement was the result  
6 of disciplinary segregation, administrative segregation, or protective  
7 custody;

8 (ii) The"

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10 On page 13, line 11, after "confinement" strike ", whether" and  
11 insert ";

12 (iii) Whether"

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14 On page 13, line 13, after "documented" strike ", whether" and  
15 insert ";

16 (iv) For disciplinary segregations, whether a due process hearing  
17 was conducted and the results;

18 (v) Whether"

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20 On page 13, beginning on line 14, after "documented" strike ", and  
21 whether" and insert "; and

22 (vi) Whether"

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24 On page 13, line 15, after "afforded" strike "full" and insert  
25 "meaningful"

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1 On page 13, beginning on line 21, after "section" strike all  
2 material through "lockdown" on line 24 and insert ":

3 (a) "Administrative segregation" means the imposition of solitary  
4 confinement as a non-punitive measure for incarcerated persons who are  
5 prone to escape, assault correctional facility staff or other  
6 incarcerated persons, are a threat to themselves, or are in need of  
7 medical isolation or infirmary status;

8 (b) "Disciplinary segregation" means the imposition of solitary  
9 confinement as the result of a disciplinary hearing in which the  
10 incarcerated person has been found to be in violation of a facility  
11 rule or state or federal law and this status results in separating the  
12 incarcerated person from the rest of the corrections facility  
13 population to serve the consequence imposed;

14 (c) "Protective custody" means the imposition of solitary  
15 confinement as a non-punitive measure, either requested or required,  
16 to ensure an incarcerated person's safety; and

17 (d) "Solitary confinement" means the confinement of an  
18 incarcerated person in a corrections facility housed alone in a cell  
19 or similarly confined holding facility or living space pursuant to  
20 disciplinary segregation, administrative segregation, or protective  
21 custody. Solitary confinement does not include confinement due to a  
22 facility-wide or unit-wide lockdown that is required to ensure the  
23 safety of incarcerated persons or staff or confinement due to  
24 quarantine or isolation measures undertaken in response to a public  
25 health crisis or declared state of emergency"

EFFECT: Makes the following changes to the provisions  
requiring jails to collect and report specified data about the use  
of solitary confinement:

- redefines solitary confinement to mean circumstances in which a person is housed alone pursuant to disciplinary segregation, administrative segregation, or protective custody, and excludes confinement due to quarantine or isolation in response to a public health crisis or state of emergency;
- requires jails to collect data regarding whether the imposition of solitary confinement was the result of disciplinary segregation, administrative segregation, or protective custody,

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and for disciplinary segregation, whether a due process hearing was conducted and the results of the hearing;

- modifies the requirement to collect data relating to access to education, programming, and ordinary necessities while in solitary confinement to refer to meaningful access, rather than full access; and
- Specifies that the obligation to collect data begins on July 1, 2022.

Adds subsections for clarity.

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