

117TH CONGRESS
1ST SESSION

H. R. 176

To amend title 18, United States Code, to impose conditions on the use of solitary confinement in Federal prisons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mrs. WATSON COLEMAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to impose conditions on the use of solitary confinement in Federal prisons, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restricting the Use
5 of Solitary Confinement Act”.

6 **SEC. 2. SOLITARY CONFINEMENT.**

7 (a) IN GENERAL.—Chapter 301 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 4015. Solitary confinement**

2 “(a) IN GENERAL.—Any placement of an inmate in
3 solitary confinement shall comply with the following:

4 “(1) An inmate shall not be placed in solitary
5 confinement unless there is reasonable cause to be-
6 lieve that—

7 “(A) the inmate would create a substantial
8 risk of immediate serious harm to another, as
9 evidenced by recent threats or conduct; and

10 “(B) a less restrictive intervention would
11 be insufficient to reduce this risk.

12 The correctional facility shall bear the burden of es-
13 tablishing this standard by clear and convincing evi-
14 dence before any agency review. An inmate who
15 would create a substantial risk of immediate serious
16 harm to self, or who create a substantial risk of im-
17 mediate serious harm to another because of a med-
18 ical reason shall be placed in an appropriate medical
19 facility.

20 “(2) An inmate shall not be placed in solitary
21 confinement for non-disciplinary reasons.

22 “(3) An inmate shall not be placed in solitary
23 confinement before receiving a personal and com-
24 prehensive medical and mental health examination
25 conducted by a clinician. A preliminary examination
26 shall be conducted by a member of the medical staff

1 within 12 hours before confinement and the clinical
2 examination shall be conducted within 48 hours of
3 confinement.

4 “(4) An inmate shall only be held in solitary
5 confinement pursuant to initial procedures and re-
6 views which provide timely, fair and meaningful op-
7 portunities for the inmate to contest the confinement
8 in such an administrative proceeding as the Director
9 shall establish. These procedures shall include—

10 “(A) the right to an initial hearing within
11 72 hours of placement and a review every 15
12 days thereafter, in the absence of exceptional
13 circumstances, unavoidable delays, or reason-
14 able postponements;

15 “(B) the right to appear at the hearing;

16 “(C) the right to be represented at the
17 hearing pursuant to the Defender Services Pro-
18 gram of the Department of Justice;

19 “(D) an independent hearing officer; and

20 “(E) a written statement of reasons for the
21 decision made at the hearing.

22 “(5) The final decision to place an inmate in
23 solitary confinement shall be made by the adminis-
24 trator of the correctional facility where that inmate
25 is held.

1 “(6) An inmate shall not be placed or retained
2 in solitary confinement if the administrator deter-
3 mines that the inmate no longer meets the standard
4 for the confinement.

5 “(7) A clinician shall evaluate each inmate
6 placed in solitary confinement on a daily basis, in a
7 confidential setting outside of the cell whenever pos-
8 sible, to determine whether the inmate is a vulner-
9 able person.

10 “(8) An inmate shall not be placed in solitary
11 confinement for more than 15 consecutive days, or
12 for more than 20 days during any 60-day period.

13 “(9) An inmate held in solitary confinement
14 shall not be denied access to food, water, medical
15 care including emergency medical care, or any other
16 basic necessity.

17 “(10) An inmate shall not be directly released
18 from solitary confinement to the community during
19 the final 180 days of the inmate’s term of incarcer-
20 ation, unless it is necessary for the safety of the in-
21 mate, staff, other inmates, or the public.

22 “(11) An inmate who is a vulnerable person de-
23 scribed in subparagraph (B), (E), or (F) of sub-
24 section (b)(3), who would otherwise be placed in soli-
25 tary confinement, shall alternately be placed in an

1 appropriate medical or other unit as determined by
2 the administrator.

3 “(b) DEFINITIONS.—In this section:

4 “(1) CLINICIAN.—The term ‘clinician’ means a
5 Federal or State licensed physician, except that for
6 purposes of mental health evaluations, the term shall
7 include a Federal or State licensed psychiatrist or
8 psychologist, or an advanced practice nurse or clin-
9 ical nurse specialist with a specialty in psychiatric
10 nursing.

11 “(2) SOLITARY CONFINEMENT.—The term ‘sol-
12 itary confinement’ means confinement of an inmate
13 in a correctional facility, pursuant to disciplinary,
14 administrative, protective, investigative, medical, or
15 other classification, in a cell or similarly confined
16 holding or living space, alone or with other inmates,
17 for approximately 20 hours or more per day, with
18 severely restricted activity, movement, and social
19 interaction.

20 “(3) VULNERABLE PERSON.—The term ‘vulner-
21 able person’ means any inmate who—

22 “(A) is 25 years of age or younger;

23 “(B) is 65 years of age or older;

24 “(C) has a disability based on a mental ill-
25 ness, a history of psychiatric hospitalization, or

1 has recently exhibited conduct, including serious
 2 self-mutilation, indicating the need for further
 3 observation or evaluation to determine the pres-
 4 ence of mental illness;

5 “(D) has a developmental disability;

6 “(E) has a serious medical condition which
 7 cannot effectively be treated in isolated confine-
 8 ment;

9 “(F) is pregnant, is in the postpartum pe-
 10 riod, or has recently suffered a miscarriage or
 11 terminated a pregnancy;

12 “(G) has a significant auditory or visual
 13 impairment; or

14 “(H) is perceived to be lesbian, gay, bisex-
 15 ual, transgender, or intersex.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 for such chapter is amended by adding at the end the fol-
 18 lowing:

 “4015. Solitary confinement.”.

19 **SEC. 3. REPORT.**

20 Not later than 270 days after the date of enactment
 21 of this Act, the Bureau of Prisons shall prepare, in con-
 22 sultation with other entities including human rights advo-
 23 cates, mental health experts, academics, and other profes-
 24 sionals in the correction and rehabilitation area, and
 25 thereafter submit a report to the Committees on the Judi-

1 ciary of the House of Representatives and of the Senate
2 with recommendations to reduce the use of solitary con-
3 finement in Federal prisons to near zero over the 10-year
4 period beginning on the date of the submission of the re-
5 port.

