

House Bill 1047

By: Representatives Scott of the 76<sup>th</sup>, Davis of the 87<sup>th</sup>, Schofield of the 60<sup>th</sup>, Mitchell of the 106<sup>th</sup>, McLeod of the 105<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated,  
2 relating to conditions of detention, so as to enact the "Solitary Confinement and Restraints  
3 Limitation Act"; to provide a short title; to provide for definitions; to provide for limitations  
4 on usage of solitary confinement, seclusion, and restraints; to provide for reporting  
5 requirements; to provide for standards for safety guidelines; to provide for related matters;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to  
10 conditions of detention, is amended by adding a new Code section to read as follows:

11 "42-4-32.1.

12 (a) This Code section shall be known and may be cited as the 'Solitary Confinement and  
13 Restraints Limitation Act.'

14 (b) As used in this Code section, the term:

15 (1) 'Abuse' means any intentional or grossly negligent act or intentional or grossly  
16 negligent omission to act by a department employee working under a contract or as a

17 volunteer with the department, which act or omission results in or could have resulted in  
18 the mental or physical harm or death of an inmate.

19 (2) 'De-escalation' means to effectively defuse a crisis without the use of force through  
20 the implementation of training specifically provided for such purpose.

21 (3) 'Physical restraint' means any pharmacological drug or medication used to manage  
22 an inmate's behavior or any mechanical device used to control the movement of an  
23 inmate's body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal  
24 handcuffs, a black box, leg irons, belly chains, or a security convex shield. Such term  
25 does not include any medical device or helmet, mitt, or similar device used to prevent  
26 self-injury when the device is part of a documented treatment plan and is the least  
27 restrictive means available to prevent such injury.

28 (4) 'Seclusion' means involuntary confinement of an inmate as a patient in a separate  
29 room within the medical unit of the correctional facility, subject to close medical  
30 observation and supervision for the purpose of protecting the inmate and others from  
31 harm.

32 (5) 'Solitary confinement' or 'confinement' means any form of physical separation from  
33 the general population of a correctional facility in which an inmate is placed alone in a  
34 locked room or cell for 22 hours or more out of a 24 hour period. Such term shall include  
35 administrative segregation.

36 (6) 'Use of force' means the use of physical force to compel compliance by an inmate.

37 (7) 'Vulnerable population' means inmates who have special needs as related to mental  
38 health, substance abuse, medical conditions, or educational or vocational abilities.

39 (c) An inmate shall be held in solitary confinement in a correctional facility only in the  
40 event of:

41 (1) A serious incident resulting in a facility-wide lockdown, including but not limited to;

42 (A) An attack on a department building or facility conducted from outside of such  
43 facility or a significant breach of a department building or facility perimeter;

- 44 (B) The possession of firearms, ammunition, or explosives by an inmate or visitor to  
45 a department building or facility;
- 46 (C) The death or injury of any on-duty department employee, individual working under  
47 contract or as a volunteer with the department, visitor to a department building or  
48 facility, or the unnatural death of an inmate;
- 49 (D) A riot or hostage situation at a department building or facility;
- 50 (E) A major fire at a department building or facility;
- 51 (F) A bomb threat directed at a department building or facility;
- 52 (G) A suspected biochemical contamination of a department building or facility;
- 53 (H) Any suspected, attempted, or confirmed escape of an inmate from a correctional  
54 facility or work detail or during transport to or from either;
- 55 (I) Any intentional or accidental discharge of a firearm at a department building or  
56 facility;
- 57 (J) Any event that seriously impacts normal operation of the department, such as a  
58 health emergency, power outage, any major destruction or disablement of state  
59 property, or an incident requiring an unplanned lockdown of a department building or  
60 facility;
- 61 (K) A terrorist threat or intelligence of suspected terrorist activity;
- 62 (L) The reported instance of sexual abuse involving an inmate, department employee,  
63 or a person working under a contract or as a volunteer with the department where there  
64 is immediate evidence or indication that sexual abuse has occurred; or
- 65 (M) A suicide attempt by an inmate requiring immediate life-saving measures.
- 66 (2) A substantiated threat of imminent physical harm to another person as evidenced by  
67 recently documented conduct; or
- 68 (3) An inmate request for administrative segregation for such inmate's protection.

69 (d) The department shall not subject any inmate to solitary confinement in a correctional  
70 facility because of such inmate's race, creed, color, national origin, nationality, ancestry,  
71 age, disability, or sexual orientation or identity.

72 (e) When the department places an inmate in solitary confinement in a correctional facility  
73 the department shall:

74 (1) Not later than 24 hours after initiating the process of holding an inmate in such  
75 confinement, ensure that a medical professional conducts a physical examination and that  
76 a licensed therapist personally conducts a mental health evaluation of such inmate to  
77 determine whether such inmate should be considered and treated as part of the vulnerable  
78 population;

79 (2) Provide continuous monitoring and de-escalation efforts as appropriate to ensure the  
80 inmate's safety and well-being;

81 (3) Provide such inmate with sufficient and regular access to a toilet, water, food, light,  
82 air, and heat; and

83 (4) Not subject any inmate to solitary confinement for more than 72 continuous hours  
84 or for more than 72 hours during any 14 day period.

85 (f)(1) No inmate shall be subjected to seclusion or physical restraints in a correctional  
86 facility unless a medical or psychiatric emergency requires such restraints after all  
87 de-escalation methods have been implemented.

88 (2) When an inmate is subjected to seclusion or physical restraints in a correctional  
89 facility the department shall:

90 (A) Ensure that any such seclusion or use of restraints is imposed only within the  
91 medical units of the facility;

92 (B) Ensure that a medical professional checks the imposition of restraints every two  
93 hours to ensure adequate circulation and range of movement, and that such medical  
94 professional continually monitors the inmate subject to restraints;

- 95 (C) Digitally record each incident from the initiation of the restraint use or confinement  
96 through the duration of any such incident; and
- 97 (D) Document the de-escalation efforts implemented, the reason or reasons for which  
98 the use of confinement or restraint was implemented, the methods of restraint used, and  
99 the duration of the confinement or restraint.
- 100 (g) The warden or facility administrator of each correctional facility shall furnish monthly  
101 reports to the department. Each report shall provide quantified data accurately presenting  
102 the number of occurrences of each of the following within such facility:
- 103 (1) Suicides;  
104 (2) Attempted suicides;  
105 (3) Deaths;  
106 (4) Serious injuries;  
107 (5) Solitary confinement placements;  
108 (6) Assaults;  
109 (7) Escapes and attempted escapes;  
110 (8) Sexual assaults; and  
111 (9) Uses of force.
- 112 (h) The department shall develop and adopt reasonable standards for correctional facilities  
113 in establishing guidelines for inmate safety, including, but not limited to:
- 114 (1) Twenty-four hour access to a mental health professional either onsite or through a  
115 telemental health service; and  
116 (2) Automated electronic sensors to ensure accurate and timely cell checks."

117 **SECTION 2.**

118 All laws and parts of laws in conflict with this Act are repealed.