WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4822

By Delegate Walker

[Introduced February 15, 2022; Referred to the Committee on Select Committee on Jails and Prisons then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, amended, by adding thereto a new section, designated §15A-4-22, relating to restricting the use of solitary confinement or administrative segregation to discipline inmates incarcerated with the division of corrections.

Be it enacted by the Legislature of West Virginia:

Article 4. corrections management.

§15A-4-22. Limitations on use of solitary confinement and administrative segregation; definition; rulemaking authority.

(a) Notwithstanding any provision of this code to the contrary, no person committed to the custody of the division for confinement shall be placed into solitary confinement or administrative segregation for more than three consecutive days within any two-week period, unless removal from solitary confinement or administrative segregation would pose a substantial risk to the safety of the inmate or other persons as determined and documented by the commissioner. All solitary confinement and administrative segregation units shall create the least restrictive environment necessary for the safety of incarcerated persons, staff, and the security of the facility.

(b) For purposes of this section, “solitary confinement” and/or “administrative segregation” means the confinement of a person or inmate in any form of cell confinement for more than seventeen hours a day other than in a facility-wide emergency for the purpose of providing medical or mental health treatment. Cell confinement that is implemented do to medical or mental health treatment shall be within a clinical area in the correctional facility or in as close proximity to a medical or mental health unit as possible.

(c) The commissioner shall promulgate any state rule and issue any policy directive necessary to implement this section.

NOTE: The purpose of this bill is to restrict the use of solitary confinement or administrative segregation to discipline inmates incarcerated with the division of corrections.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.