

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]

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

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

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

14 (c) The commissioner shall promulgate any state rule and issue any policy directive
 15 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.