

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2059 Session of
2025

INTRODUCED BY KINKEAD, T. DAVIS, HILL-EVANS, HOHENSTEIN, MAYES,
SANCHEZ, CEPEDA-FREYTIZ, INGLIS AND WARREN, NOVEMBER 19, 2025

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 19, 2025

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in preliminary provisions, further
3 providing for definitions; providing for segregated
4 confinement; and establishing the Segregated Confinement
5 Hearing Review Board.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definitions of "board" and "inmate" in
9 section 102 of Title 61 of the Pennsylvania Consolidated
10 Statutes are amended to read:

11 § 102. Definitions.

12 The following words and phrases when used in this title shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Board." [The] Except as provided for in Chapter 51
16 (relating to segregated confinement), the Pennsylvania Parole
17 Board.

18 * * *

19 "Inmate." [A] Except as provided for in Chapter 51, a person

1 committed to a term of imprisonment or otherwise confined under
2 the custody of the Commonwealth or a county in a correctional
3 institution in accordance with law.

4 * * *

5 Section 2. Title 61 is amended by adding a chapter to read:

6 CHAPTER 51

7 SEGREGATED CONFINEMENT

8 Subchapter

9 A. Preliminary Provisions

10 B. Standards and Procedures

11 C. Oversight and Enforcement

12 D. Miscellaneous Provisions

13 SUBCHAPTER A

14 PRELIMINARY PROVISIONS

15 Sec.

16 5101. Scope of chapter.

17 5102. Definitions.

18 § 5101. Scope of chapter.

19 This chapter relates to standards and procedures involving
20 segregated confinement of inmates in correctional facilities.

21 § 5102. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Board." The Segregated Confinement Hearing Review Board
26 established under section 5132(a) (relating to Segregated
27 Confinement Hearing Review Board).

28 "Chief administrator." As follows:

29 (1) The warden, superintendent or other officer in
30 charge of a correctional facility.

1 (2) The term includes a designee of the warden,
2 superintendent or other officer in charge of a correctional
3 facility.

4 "Correctional facility." Any of the following:

5 (1) A correctional institution.

6 (2) A facility that confines a child in accordance with
7 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

8 (3) An institution that detains inmates in accordance
9 with Chapter 71 (relating to interstate compacts) or an
10 intergovernmental service agreement or other contract with a
11 Federal, State or county agency, including United States
12 Immigrations and Customs Enforcement.

13 "Disability." A physical, mental or medical impairment
14 resulting from any anatomical, physiological, genetic or
15 neurological condition that prevents the exercise of normal
16 bodily functions.

17 "Emergency segregated confinement." The segregated
18 confinement of an inmate if there is reasonable cause to believe
19 that the confinement is necessary for reducing a substantial
20 risk of imminent serious harm to the inmate or other
21 individuals.

22 "Inmate." An individual confined in a correctional facility.

23 "Member of a vulnerable population." An inmate who meets any
24 of the following conditions:

25 (1) Is less than 21 years of age.

26 (2) Is 55 years of age or older.

27 (3) Is pregnant or in the postpartum recovery period.

28 (4) Has recently suffered a miscarriage or terminated a
29 pregnancy.

30 (5) Identifies as or is perceived to be lesbian, gay,

bisexual, transgender, intersex or gender nonconforming.

(6) Is a person with a disability.

"Person with a disability." An individual who has a disability and meets any of the following conditions:

(1) Has a mental health diagnosis.

(2) Is, or has been within the past year, on the mental health caseload or roster or has, or had within the past year, a mental health rating or classification.

(3) Has been housed within a mental health unit within a correctional facility.

(4) Has, or had within the past year, an intellectual, developmental or cognitive diagnosis.

(5) Has, or had within the past year, a physical disability diagnosis or mobility impairment diagnosis.

(6) Has a sensory disability diagnosis.

(7) Has a traumatic brain injury or organic brain syndrome.

(8) Is pregnant, in the postpartum recovery period, experiencing a miscarriage or in the process of terminating a pregnancy.

(9) Is caring for the individual's child while in a correctional facility in accordance with State law.

"Postpartum recovery period." The 12-week period, or longer if determined medically necessary, after giving birth to a child.

"Representative." As follows:

(1) An individual representing the interests of an inmate during a hearing under section 5113 (relating to hearing).

(2) The term includes:

1 (i) Legal counsel.

2 (ii) A law student.

3 (iii) A paralegal.

4 (iv) Another inmate.

5 "Segregated confinement." As follows:

6 (1) The confinement of an inmate in a cell or similarly
7 confined holding or living space within a correctional
8 facility, alone or with other individuals for more than 17
9 hours per day, for purposes other than providing medical or
10 mental health treatment or managing a facility-wide emergency
11 at the correctional facility.

12 (2) The term includes:

13 (i) A partial lockdown of a correctional facility.

14 (ii) Medical isolation of an inmate.

15 (iii) Protective custody for an inmate.

16 SUBCHAPTER B

17 STANDARDS AND PROCEDURES

18 Sec.

19 5111. Placement generally.

20 5112. Consent.

21 5113. Hearing.

22 5114. Review.

23 5115. Prohibitions.

24 5116. Conditions of cells.

25 5117. Out-of-cell time.

26 5118. Partial lockdown.

27 5119. Emergency segregated confinement.

28 5120. Monitoring of inmates.

29 5121. Use of segregated confinement pending investigation.

30 5122. Documentation.

1 5123. Alternative disciplinary measures.

2 5124. Rehabilitation after release from segregated confinement.

3 § 5111. Placement generally.

4 (a) Authorization.--

5 (1) The chief administrator shall determine whether an
6 inmate should be placed in segregated confinement.

7 (2) An inmate may not remain or be placed in segregated
8 confinement if the chief administrator determines that the
9 inmate no longer meets the standards for segregated
10 confinement under this chapter.

11 (b) Process.--Placement in segregated confinement shall be
12 in accordance with this chapter.

13 § 5112. Consent.

14 (a) Protective custody.--If the chief administrator
15 determines that an inmate should be placed in protective custody
16 as part of segregated confinement, in the absence of a hearing
17 under section 5113 (relating to hearing), the correctional
18 facility may place the inmate in protective custody only if the
19 inmate gives informed, voluntary and written consent to the
20 placement to the chief administrator.

21 (b) Member of vulnerable population.--In the absence of a
22 hearing under section 5113, a correctional facility may not
23 place in segregated confinement an inmate who is a member of a
24 vulnerable population unless the inmate gives informed,
25 voluntary and written consent to the placement to the chief
26 administrator.

27 § 5113. Hearing.

28 (a) General requirements.--In the absence of consent under
29 section 5112 (relating to consent), an inmate may be held in
30 segregated confinement only if, within 72 hours of the inmate's

1 placement in segregated confinement, an initial hearing on the
2 segregated confinement is conducted, which provides the inmate
3 with a timely, fair and meaningful opportunity to contest the
4 segregated confinement.

5 (b) Appearance by inmate.--In the absence of exceptional
6 circumstances, unavoidable delays or postponements, an inmate
7 shall be permitted to appear at the hearing under subsection
8 (a). The following apply:

9 (1) If the inmate refuses to attend the hearing, the
10 hearing shall be videotaped and made part of the hearing
11 record.

12 (2) If the inmate is excluded or removed from the
13 hearing because it is determined that the inmate's presence
14 will jeopardize the safety of the inmate or other individuals
15 or the security of the correctional facility, the basis for
16 the exclusion must be documented in the hearing record.

17 (c) Conduct of hearing.--For a hearing under this section:

18 (1) An independent hearing official shall conduct the
19 hearing.

20 (2) An inmate shall be entitled to have a representative
21 participate at the hearing.

22 (3) Along with timely notice of the hearing, the inmate
23 shall be provided with a written statement of the purpose of
24 the hearing and the segregated confinement.

25 (4) An inmate, or the representative of the inmate,
26 shall have the right during the hearing to:

27 (i) Provide an opening and closing statement.

28 (ii) Call and question witnesses.

29 (iii) Cross-examine witnesses.

30 (iv) Present evidence.

1 (5) Audio recordings of the hearing shall be made and
2 provided to the inmate and the representative.

3 (6) An inmate may not be placed in segregated
4 confinement on the basis of confidential information that has
5 not been provided to the inmate or otherwise presented at the
6 hearing.

7 (d) Disciplinary hearing.--

8 (1) If a disciplinary hearing may result in placement in
9 segregated confinement for an inmate, the inmate and
10 representative shall be provided, as soon as possible, but
11 not later than 48 hours prior to the commencement of the
12 disciplinary hearing, notice of the hearing and all evidence
13 relevant to the incident and the alleged misconduct by the
14 inmate, including:

15 (i) Any official misconduct report in the possession
16 of the correctional facility.

17 (ii) Potentially exculpatory evidence.

18 (iii) The use of force or extraordinary occurrence
19 reports concerning the alleged misconduct.

20 (iv) Memoranda and correspondence to and from the
21 correctional facility regarding the alleged misconduct.

22 (v) Medical records related to the incident.

23 (vi) Related contraband receipts.

24 (vii) Other written materials regarding the alleged
25 misconduct.

26 (viii) Related photographs.

27 (ix) Audio and video recordings of or relating to
28 the alleged misconduct.

29 (2) A correctional facility may not place an inmate in
30 segregated confinement as a result of the disciplinary

1 hearing under this subsection unless:

2 (i) The inmate has been found guilty, by clear and
3 convincing evidence, of any of the following:

4 (A) Causing or attempting to cause serious
5 physical injury or death to another individual.

6 (B) Compelling or attempting to compel another
7 individual, by force or by threat of force, to engage
8 in a sexual act.

9 (C) Leading or organizing a riot, insurrection
10 or other similarly serious disturbance that results
11 in the taking of a hostage, major property damage or
12 physical harm to another individual.

13 (D) Procuring a deadly weapon that poses a
14 serious threat of violence within the correctional
15 facility.

16 (E) Escaping, attempting to escape or
17 facilitating an escape from a correctional facility
18 or escaping or attempting to escape while under
19 supervision outside the correctional facility. The
20 following apply:

21 (I) For the purposes of this clause,
22 "attempting to escape" shall only be determined
23 to have occurred if there is a clear finding that
24 the inmate had the intent to cause a serious
25 disturbance or escape and completed significant
26 acts in the advancement of the attempt to create
27 a serious disturbance or escape.

28 (II) Evidence of withdrawal or abandonment
29 of a plan to cause a serious disturbance or
30 escape shall negate a finding of intent.

1 (ii) The chief administrator documents in writing
2 that:

3 (A) The acts committed by the inmate were
4 dangerous enough to warrant the removal of the inmate
5 from the general population of the correctional
6 facility.

7 (B) The inmate presents a significant risk of
8 imminent serious physical injury to the inmate, other
9 inmates, staff or other individuals.

10 § 5114. Review.

11 If an inmate remains in segregated confinement, a review
12 shall be conducted at least every 15 days following the hearing
13 under section 5113 (relating to hearing).

14 § 5115. Prohibitions.

15 (a) Member of vulnerable population.--

16 (1) A correctional facility may not place an inmate in
17 segregated confinement due solely on the basis that the
18 inmate is a member of a vulnerable population.

19 (2) If an inmate is a member of a vulnerable population
20 because the inmate is less than 21 years of age, a
21 correctional facility may not place the inmate in segregated
22 confinement, or otherwise discipline the inmate, because the
23 inmate refuses treatment or medication, engages in self-harm
24 or threatens self-harm.

25 (3) If an inmate is a member of a vulnerable population
26 because the inmate is 55 years of age or older, pregnant, in
27 the postpartum recovery period or has recently suffered a
28 miscarriage or terminated a pregnancy and would otherwise be
29 placed in segregated confinement by a correctional facility,
30 the correctional facility may not place the inmate in

1 segregated confinement but shall instead place the inmate in
2 a specialized unit as designated by the secretary.

3 (b) Duration.--An inmate may not remain in segregated
4 confinement for more than:

5 (1) 15 consecutive days.

6 (2) 45 days in a 180-day period.

7 (c) Risk.--A correctional facility may not place an inmate
8 in segregated confinement with another inmate or group of
9 inmates if there is reasonable cause to believe that harm,
10 harassment, intimidation, extortion or other physical or
11 emotional abuse will result toward the inmate.

12 (d) Basis for placement.--An inmate may not be placed in
13 segregated confinement based upon the same act or incident that
14 was previously used as the impetus for the placement in
15 segregate confinement.

16 (e) Limitations.--A correctional facility may not impose on
17 an inmate in segregated confinement any limitation on services,
18 treatment or basic needs, including clothing, food, hygiene,
19 sanitation, health care and bedding.

20 (f) Diet.--A correctional facility may not impose restricted
21 diets or any other change in diet for an inmate in segregated
22 confinement.

23 (g) Representation.--An inmate may not be denied access to
24 the counsel of a representative while in segregated confinement.

25 (h) Restraints.--

26 (1) Restraints may not be used on inmates in segregated
27 confinement unless an individualized assessment is made and
28 submitted at the time of, or immediately following, alleged
29 misconduct by the inmate. The assessment must indicate that
30 restraints are required for the inmate because of significant

1 and unreasonable risk of imminent serious physical injury to
2 the inmate, other inmates, staff or other individuals.

3 (2) If restraints are used, the least restrictive form
4 of restraints shall be used.

5 (3) Restraints may not be used on an inmate for longer
6 than necessary to abate imminent harm.

7 § 5116. Conditions of cells.

8 Cells or other holding or living spaces used for segregated
9 confinement must be properly ventilated, appropriately lit,
10 temperature-monitored, clean and equipped with properly
11 functioning sanitary fixtures.

12 § 5117. Out-of-cell time.

13 (a) General rule.--Except as provided in subsection (c), for
14 an inmate in segregated confinement, a correctional facility:

15 (1) Shall provide the inmate at least four hours of
16 congregate out-of-cell time per day, which:

17 (i) Must include at least two hours per day for
18 recreation, one hour of which shall be offered as outdoor
19 recreation time.

20 (ii) May include peer-led programs, time in a day
21 room or out-of-cell recreation area with other people,
22 congregate meals, volunteer programs or other activities.

23 (2) If the inmate is a person with a disability:

24 (i) Shall provide the inmate at least seven hours of
25 daily out-of-cell time in a group setting with other
26 individuals in the same shared physical space without
27 physical barriers.

28 (ii) May provide the inmate access to staff-based
29 programming and contact with persons other than
30 correctional facility staff in a manner appropriate to

1 the medical needs of the inmate.

2 (b) Request to limit or deny.--

3 (1) The chief administrator may submit to the secretary
4 a request to limit or deny the out-of-cell time under
5 subsection (a).

6 (2) The request under paragraph (1) must be a specific,
7 nongeneralized narrative explanation of the reasons why the
8 out-of-cell time should be limited or denied, based on how
9 the inmate poses an extraordinary and unacceptable risk of
10 imminent physical harm to the safety or security of the
11 inmate, other inmates, staff or other individuals.

12 (c) Exception.--Subsection (a) does not apply if the
13 secretary approves, in whole or in part, the request under
14 subsection (b), in which case the correctional facility shall
15 make any approved adjustment to the out-of-cell time, which may
16 include having the out-of-cell time take place in a smaller
17 group setting or only with therapeutic staff.

18 (d) Program participation and work assignments.--For out-of-
19 cell time for an inmate during segregated confinement:

20 (1) A correctional facility shall offer the inmate
21 educational and rehabilitative programming led by program or
22 therapeutic staff, comparable to the programming offered to
23 inmates in the general population.

24 (2) The inmate shall have access to programs and work
25 assignments comparable to core programs and types of work
26 assignments for inmates in the general population.

27 (3) A correctional facility may not deny the inmate the
28 ability to complete programming required for release as the
29 result of placement in segregated confinement.

30 (4) Time spent on housekeeping or cleaning or on paid

1 work assignment shall not be considered out-of-cell time.

2 § 5118. Partial lockdown.

3 (a) Authorization.--A correctional facility may place an
4 inmate in segregated confinement during a partial lockdown at
5 the correctional facility if the chief administrator determines
6 that the partial lockdown is required to ensure the safety of
7 inmates or other individuals.

8 (b) Documentation.--During a partial lockdown under this
9 section, the chief administrator shall document the specific
10 reasons for the partial lockdown and why less restrictive
11 interventions were insufficient to accomplish the safety goals
12 of the correctional facility.

13 (c) Duration.--

14 (1) A partial lockdown under this section may not
15 exceed:

16 (i) A continuous duration of 24 hours.

17 (ii) Subject to paragraph (2), a maximum of 48 hours
18 within any seven-day period.

19 (2) The chief administrator may request authorization
20 from the secretary to exceed the requirement under paragraph
21 (1)(ii) by providing the secretary with the reason for the
22 need to exceed the requirement. If the secretary provides the
23 authorization, the secretary shall, within 24 hours:

24 (i) Post the authorization on the publicly
25 accessible Internet website of the department, along with
26 the reasons for the request and authorization.

27 (ii) Provide notice of the authorization to the
28 General Assembly, along with the reasons for the request
29 and authorization.

30 § 5119. Emergency segregated confinement.

1 (a) Authorization.--If, upon personal examination of an
2 inmate, a physician or other qualified medical professional
3 determines that there is a need to place the inmate in emergency
4 segregated confinement, including medical isolation, the
5 correctional facility may place the inmate in emergency
6 segregated confinement in accordance with this section.

7 (b) Length of confinement.--An inmate may not be held in
8 emergency segregated confinement for more than 24 hours.

9 (c) Evaluations and examinations.--

10 (1) Within two hours of the placement of an inmate in
11 emergency segregated confinement, a member of the medical
12 staff at the correctional facility shall conduct an initial
13 medical and mental health evaluation of the inmate.

14 (2) Within 24 hours of the placement of an inmate in
15 emergency segregated confinement, a member of the medical
16 staff at the correctional facility shall conduct a personal
17 and comprehensive medical and mental health evaluation of the
18 inmate.

19 (3) In the case of the emergency segregated confinement
20 of an inmate at a county correctional institution:

21 (i) Within 12 hours of the confinement, a member of
22 the medical staff at the county correctional institution
23 shall conduct a preliminary examination of the inmate.

24 (ii) Within 48 hours of the confinement, a member of
25 the medical staff at the county correctional institution
26 shall conduct a comprehensive medical and mental health
27 evaluation of the inmate.

28 (4) The member of the medical staff who conducted the
29 evaluation or examination under this subsection shall, upon
30 completion of the evaluation or examination, provide a report

1 of the evaluation or examination to the chief administrator.

2 (d) Clinical review.--A personalized clinical review shall
3 be conducted on an inmate in emergency segregated confinement at
4 least every six hours and as clinically indicated.

5 (e) Mental health.--If the purpose of the emergency
6 segregated confinement of an inmate is related to the mental
7 health of the inmate, the inmate shall be placed in a mental
8 health unit as designated by the secretary or, in the case of a
9 county correctional institution, in an area designated for the
10 treatment of mental health.

11 § 5120. Monitoring of inmates.

12 Following placement of an inmate in segregated confinement, a
13 correctional facility shall:

14 (1) Within 12 hours of the placement, notify the medical
15 or mental health staff of the correctional facility in
16 writing of the placement.

17 (2) Ensure that the inmate receives wellness checks at
18 least twice per hour during the placement.

19 (3) Unless a medical or mental health staff recommends
20 more frequent checks, monitor an inmate at least every 15
21 minutes if the inmate is demonstrating unusual behavior or
22 has indicated suicidality or self-harm.

23 § 5121. Use of segregated confinement pending investigation.

24 (a) General rule.--Except as provided in subsection (b), an
25 inmate may not be placed in segregated confinement pending
26 investigation of alleged misconduct by the inmate or other
27 alleged conduct that may result in disciplinary action against
28 the inmate.

29 (b) Exception.--Subsection (a) does not apply if:

30 (1) The chief administrator determines that the presence

1 of the inmate in the general population poses a danger to the
2 inmate, other inmates, staff or other individuals. In making
3 a determination under this paragraph, the chief administrator
4 shall consider the seriousness of the alleged conduct,
5 including whether the alleged conduct involved violence or an
6 escape or posed a threat to the correctional facility's
7 safety by encouraging other inmates to engage in misconduct.

8 (2) The chief administrator has approved the segregated
9 placement based on exigent or emergency circumstances.

10 (c) Review.--The placement of an inmate in accordance with
11 subsection (b) shall be reviewed within 24 hours by a
12 supervisory employee who was not involved in the initial
13 decision to place the inmate in segregated confinement.

14 (d) Release.--An inmate who has been placed in segregated
15 confinement in accordance with subsection (b) shall be
16 considered for release to the general population if the inmate
17 demonstrates good behavior while confined. If, in a disciplinary
18 hearing, the inmate is found guilty of misconduct, the inmate's
19 good behavior shall be considered in determining the appropriate
20 penalty.

21 § 5122. Documentation.

22 (a) Requirement.--A correctional facility shall document
23 each time an inmate placed in segregated confinement or any
24 other type of confinement aside from the general population.

25 (b) Contents.--The documentation under this section must
26 include:

27 (1) The facts and circumstances that led to placing the
28 inmate into segregated confinement.

29 (2) The date and time the inmate was placed in
30 segregated confinement.

1 (3) A clear and consistent log of the time that the
2 inmate spent out-of-cell time while in segregated confinement
3 or any other type of confinement that is not the general
4 population.

5 § 5123. Alternative disciplinary measures.

6 (a) Authorization.--A correctional facility shall:

7 (1) Implement alternative disciplinary measures to
8 segregated confinement.

9 (2) Develop a hierarchy of the use of alternative
10 disciplinary measures to segregated confinement in cases
11 involving disciplinary measures.

12 (3) Limit the use of segregated confinement to only
13 those incidents in which an alternative disciplinary measure
14 would not be effective or appropriate.

15 (b) Examples.--An alternative disciplinary measure for an
16 inmate includes:

17 (1) The limitation of contact visits for the inmate.

18 (2) The restriction of visitors to only the immediate
19 family of the inmate.

20 (3) The loss of work opportunities for the inmate.

21 (4) The assignment of additional unpaid work duties for
22 the inmate, but for not more than 14 days.

23 (5) The loss of telephone, entertainment or yard time
24 privileges for the inmate, but for not more than 14 days.

25 (6) The loss of commissary privileges for the inmate,
26 but for not more than 14 days.

27 (7) The confinement of the inmate to the inmate's own
28 cell in the general population area, but for not more than 20
29 hours per day.

30 (8) A reprimand or warning to the inmate.

1 (c) Other placement for certain individuals.--An inmate who
2 is a member of a vulnerable population because the inmate is
3 less than 21 years of age and who would otherwise be placed in
4 segregated confinement shall be screened by a clinician at the
5 correctional facility or an appropriate screening service and,
6 if found to meet the standards of civil commitment, shall be
7 placed in a specialized unit, as designated by the secretary, or
8 civilly committed to the least restrictive appropriate short-
9 term care or psychiatric facility designated by the Department
10 of Human Services.

11 § 5124. Rehabilitation after release from segregated
12 confinement.

13 (a) Duty of correctional facility.--A correctional facility
14 shall be responsible for the rehabilitation and reclamation of
15 an inmate released from segregated confinement to ensure that
16 the inmate has not sustained any lasting physical, mental or
17 psychological injury or damage.

18 (b) Rights of inmate.--Upon release from segregated
19 confinement, an inmate shall:

20 (1) Receive weekly meetings with a licensed mental
21 health professional and a certified peer specialist.

22 (2) Have access to classes and educational materials.

23 (3) Have access to familial and outside contact.

24 (4) Have access to supports or resources necessary for
25 recovery, as determined by a licensed mental health
26 professional.

27 SUBCHAPTER C

28 OVERSIGHT AND ENFORCEMENT

29 Sec.

30 5131. Independent investigator.

1 5132. Segregated Confinement Hearing Review Board.

2 5133. Duties of department.

3 5134. Additional relief.

4 § 5131. Independent investigator.

5 (a) Authorization.--The department shall coordinate with the
6 Pennsylvania Prison Society, or its successor, to designate an
7 independent investigator to monitor each correctional facility
8 to ensure compliance with the provisions of this chapter.

9 (b) Duties.--The independent investigator shall:

10 (1) Conduct interviews with inmates in segregated
11 confinement and report any abuse to the department.

12 (2) Review documents regarding inmates necessary to
13 determine the implementation of segregated confinement.

14 (c) Use of information.--Information gathered under
15 subsection (b) may be used in a misconduct hearing conducted in
16 accordance with section 5132 (relating to Segregated Confinement
17 Hearing Review Board).

18 § 5132. Segregated Confinement Hearing Review Board.

19 (a) Establishment and purpose.--The Segregated Confinement
20 Hearing Review Board is established in the department to conduct
21 hearings regarding alleged misconduct that occurs against
22 inmates during segregated confinement at correctional
23 facilities.

24 (b) Members.--The board shall consist of the following:

25 (1) A licensed psychologist or psychiatrist.

26 (2) A licensed mental health professional with a
27 counseling background.

28 (3) A licensed social worker.

29 (c) Conduct of hearing.--The following apply to a hearing by
30 the board:

1 (1) Unless prohibited by the board for cause shown, the
2 inmate and correctional facility may call and cross-examine
3 witnesses during the hearing.

4 (2) The inmate shall be entitled to have a
5 representative participate at the hearing.

6 (3) The inmate shall be given access to video evidence
7 from the correctional facility no later than 24 hours before
8 the commencement of the hearing.

9 (d) Relief.--If the board finds that misconduct occurred
10 during segregated confinement by the correctional facility, the
11 correctional facility shall immediately release the inmate from
12 segregated confinement.

13 § 5133. Duties of department.

14 (a) Authorization.--The department shall implement,
15 administer and enforce the provisions of this chapter.

16 (b) Regulations.--The department shall promulgate
17 regulations necessary to implement, administer and enforce the
18 provisions of this chapter, which must include the following, in
19 accordance with this chapter:

20 (1) A process to review the placement of inmates in
21 segregated confinement, including the circumstances leading
22 to placement, the nature of the placement and the effects of
23 the placement.

24 (2) The development of a plan that:

25 (i) Provides for step-down units, transitional
26 units, other similar units, programs and staffing
27 patterns to accommodate inmates who:

28 (A) are currently placed in segregated
29 confinement;

30 (B) will be placed in segregated confinement; or

1 (C) receive an intermediate sanction in lieu of
2 being placed in segregated confinement.

3 (ii) Requires:

4 (A) Staffing patterns for correctional facility
5 staff and program staff to be set at levels necessary
6 to ensure the safety of staff and inmates in
7 accordance with this chapter.

8 (B) Inmates placed in a step-down unit,
9 transitional unit or other similar unit to have
10 access to at least seven hours of daily out-of-cell
11 group programming, recreation and activities in a
12 group setting with other individuals in the same
13 shared physical space without physical barriers.

14 (3) How to reduce the need for segregated confinement.

15 (4) How to reduce the burden of transferring inmates to
16 a different correctional facility.

17 (5) The establishment of nonsegregated confinement, in
18 accordance with other State laws and other regulations
19 promulgated by the department.

20 (6) Easing restrictions on religious, mail and telephone
21 privileges, visit contacts and outdoor and recreation access.

22 (7) Prohibitions on the restriction of basic necessities
23 during segregated confinement.

24 (8) Training requirements for staff working with inmates
25 in segregated confinement.

26 (9) Standards for segregated confinement.

27 (10) Procedures for documentation of decisions,
28 procedures and reviews regarding segregated confinement.

29 (11) Monitoring and compliance requirements.

30 (12) Procedures for hearings under this chapter.

1 § 5134. Additional relief.

2 In addition to relief provided by this chapter or other State
3 law, a person adversely affected by any act or omission of a
4 correctional facility regarding segregated confinement in
5 violation of this chapter may seek declarative and injunctive
6 relief and the actual damages attributable to the violation in a
7 court of competent jurisdiction. The court shall award
8 reasonable expenses to the person adversely affected if the
9 final determination by a court is in favor of the person
10 adversely affected.

11 SUBCHAPTER D

12 MISCELLANEOUS PROVISIONS

13 Sec.

14 5141. Disclosure.

15 5142. Reports.

16 § 5141. Disclosure.

17 (a) Reports.--Reports prepared by correctional facilities
18 and the department under this chapter shall be accessible for
19 inspection and duplication in accordance with the act of
20 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

21 (b) Documentation.--Documentation on each correctional
22 facility's use of segregated confinement, including the
23 reporting information provided to the department and records
24 relating to inmates held in segregated confinement, shall be
25 available for inspection by the applicable oversight board for
26 each correctional facility.

27 § 5142. Reports.

28 (a) Requirement.--The department shall post quarterly
29 reports on the publicly accessible Internet website of the
30 department regarding the use of segregated confinement.

1 (b) Content.--Subject to subsection (c), each report under
2 this section must include:

3 (1) The age, sex, gender identity, ethnicity, mental
4 health treatment level, special accommodations or needs,
5 pregnancy status, need for participation in substance use
6 disorder programs and type of confinement status for each
7 inmate who is in segregated confinement or who was in
8 segregated confinement since the previous quarterly report.

9 (2) The total number of inmates who are in segregated
10 confinement or who were in segregated confinement since the
11 previous quarterly report.

12 (3) Since the previous quarterly report, the total
13 number of the following, by correctional facility:

14 (i) Incidences of emergency segregated confinement,
15 and segregated confinement as a result of a partial
16 lockdown.

17 (ii) Inmate self-harm and suicide attempts during
18 segregated confinement.

19 (iii) Inmate deaths during segregated confinement,
20 including suicides, along with the number of deaths by
21 unit, causes of death, if other than suicide, and dates
22 of occurrence.

23 (iv) Assaults to inmates during segregated
24 confinement.

25 (4) The continuous lengths of stay for each documented
26 segregated confinement.

27 (c) Redaction.--The department shall redact personally
28 identifiable information regarding inmates from each report
29 under this section.

30 Section 2. This act shall take effect in 60 days.