

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5484

(SENATE AUTHORS: OUMOU VERBETEN)

DATE
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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to public safety; limiting segregated housing in Minnesota jails and prisons;
 1.3 prohibiting solitary confinement; requiring rulemaking; requiring reports; amending
 1.4 Minnesota Statutes 2022, section 243.521.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 243.521, is amended to read:

1.7 **243.521 ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

1.8 Subdivision 1. **Authorization.** In any adult state or local correctional facility ~~under the~~
 1.9 ~~control of the commissioner of corrections~~ for adults, the commissioner or head of the
 1.10 facility may require an inmate to be placed on disciplinary segregation status for rule
 1.11 violations or on administrative segregation status when the continued presence of the inmate
 1.12 in general population would pose a serious threat to life, ~~property, self, or physical safety~~
 1.13 of staff, or other inmates or to the security or orderly running of the institution. Inmates
 1.14 pending investigation for trial on a criminal act or pending transfer may be included, provided
 1.15 the ~~warden's~~ facility head's written approval is sought and granted within seven business
 1.16 days of placing the inmate in restrictive housing under this provision. The ~~warden~~ head of
 1.17 each facility must document any time approval is granted and the reason for it, and submit
 1.18 a quarterly report to the commissioner ~~of corrections.~~

1.19 Subd. 1a. Definitions. (a) As used in this section, the following terms have the meanings
 1.20 given.

1.21 (b) "Administrative segregation" means a restrictive housing unit separate from general
 1.22 population with limited privileges for the inmate. The term applies to inmates who are
 1.23 segregated from general population for nonpunitive health or safety reasons.

2.1 (c) "Commissioner" means the commissioner of corrections.

2.2 (d) "Contraband" means any item possessed by an inmate that is prohibited by statute
2.3 or facility policy. This includes items that are authorized but in excess of allowable limits.

2.4 (e) "Department" means the Department of Corrections.

2.5 (f) "Disciplinary segregation" means a restrictive housing unit separate from general
2.6 population with limited privileges.

2.7 (g) "General population" refers to inmates who are held in the facility and are not subject
2.8 to any form of segregation.

2.9 (h) "In-house segregation" occurs when an inmate is assigned to segregation status, and
2.10 the inmate's movement and privileges are limited, but the inmate is not moved from their
2.11 general population housing.

2.12 (i) "Major discipline" includes infractions that relate to the safety of inmates, staff, or
2.13 the public. This type of discipline may lead to segregation.

2.14 (j) "Minor discipline" includes infractions that do not relate to the safety of inmates,
2.15 staff, or the public. This type of discipline may not lead to segregation.

2.16 (k) "Property request slip" means a printed form issued by the facility that offenders use
2.17 to request their personal property while in segregation.

2.18 (l) "Protective custody" means inmates who are isolated from the general population for
2.19 their safety because of a certain personal quality of the inmate.

2.20 (m) "Serious threat to safety" occurs when there has been a finding of imminent danger
2.21 of an injury or threat to life.

2.22 (n) "Solitary confinement" means confinement in a cell that deprives the inmate of
2.23 meaningful visual or auditory contact with other people for periods of more than 20 hours
2.24 in a day or 45 hours in any three-day period. Solitary confinement includes confinement in
2.25 a cell with soundproof doors that deprive inmates of meaningful auditory and visual contact
2.26 with other people. Meaningful visual contact includes the ability to see a person's face and
2.27 interpret facial expressions. Meaningful auditory contact includes the ability to hold a
2.28 conversation or dialogue for five minutes or more.

2.29 (o) "Temporary segregation" means a status assigned to an inmate alleged to have
2.30 committed a rule violation, who demonstrates behavior that is a risk to safety, and requires
2.31 removal pending formal disciplinary review or who is pending an investigation for placement

3.1 in administrative segregation. Temporary segregation shall not last for more than five
3.2 business days.

3.3 (p) "Unassigned idle or temporary idle" includes inmates who are confined to their cells
3.4 for hours a day because they have recently been terminated from assignment, because
3.5 they have recently been released from segregation, or because they refuse to work or
3.6 participate in a program.

3.7 (q) "Vulnerable populations" means an inmate who is: 18 years of age or younger,
3.8 pregnant, postpartum, diagnosed with a mental illness or developmental disability, or
3.9 diagnosed with a traumatic brain injury; suffers from a serious physical impairment; or
3.10 requires specialized medical treatment.

3.11 Subd. 1b. **Scope.** This section applies to both state and local adult correctional facilities.

3.12 Subd. 2. **Conditions in segregated housing.** ~~The restrictive~~ (a) All segregated housing
3.13 unit units shall provide living conditions that are approximate to those offenders in general
3.14 population, including ~~reduced lighting during nighttime hours:~~

3.15 (1) reduced lighting during nighttime hours;

3.16 (2) no unnecessarily loud noises to purposely disrupt an inmate;

3.17 (3) adequate and operating lighting, heating and cooling, and ventilation for the comfort
3.18 of the inmate;

3.19 (4) seating separate from a bed;

3.20 (5) rooms that are clean and resistant to suicide and self-harm;

3.21 (6) access to fresh drinking water at all times; and

3.22 (7) adequate food.

3.23 (b) An inmate placed in a segregated housing unit shall be screened by a third-party
3.24 medical professional within the first 24 hours of placement, again within the first three days
3.25 following placement, and then every seven days following placement. If the inmate is losing
3.26 weight or requests to be given more food, the inmate's amount of food shall be increased
3.27 as recommended by the medical professional.

3.28 (c) All inmates shall be given the following personal effects in segregation within the
3.29 first two hours of placement:

3.30 (1) personal clothing, including but not limited to sufficient underwear, socks, long
3.31 sleeve shirts, and thermal clothing;

4.1 (2) personal hygiene items, including but not limited to shampoo, deodorant, toothpaste,
4.2 toothbrush, floss, hairbrush or comb, shower shoes, lotion, lip moisturizer such as petroleum
4.3 jelly, and menstrual products; and

4.4 (3) medications or other medical necessity items.

4.5 If an inmate does not have these personal items, the facility shall provide the items to the
4.6 inmate within two hours of being placed in segregation. These items shall be properly
4.7 cleaned before being distributed to inmates. The facility may provide a facility toothbrush,
4.8 floss, hairbrush, or comb to inmates as required for safety.

4.9 (d) All inmates shall be given the following personal effects in segregation within the
4.10 first 24 hours of placement:

4.11 (1) a reflective mirror, a calendar, and a clock to help the inmate know how much time
4.12 has passed and to prevent distortion;

4.13 (2) writing materials, including envelopes, a minimum of ten pieces of paper per week,
4.14 and a pencil; and

4.15 (3) reading materials.

4.16 If an inmate does not have these personal items, the facility shall provide them to the inmate
4.17 within 24 hours of being placed in segregation. All inmates may be granted access to other
4.18 personal items as part of the facility's reintegration and incentive programs.

4.19 (e) Inmates shall have access to the canteen within the first 72 hours of being placed in
4.20 segregation.

4.21 (f) Inmates shall be provided sufficient time for a shower, to communicate with their
4.22 friends and family outside the facility, and to recreate outside of their cell. This time shall
4.23 be separate from any programming implemented under subdivision 6. All inmates may be
4.24 granted further time outside of their cells as part of the facility's incentive and reintegration
4.25 programs.

4.26 (g) Access to legal representation for an inmate in segregation may not be restricted,
4.27 including allowances for professional visitation or phone calls with legal counsel.

4.28 (h) Disciplinary restrictions in segregation on access to personal belongings, resources,
4.29 and programming shall only be imposed after an inmate has abused a privilege as authorized
4.30 by written directives, guidance documents, and operational manuals. The abuse of the
4.31 privilege and disciplinary restriction must be documented. After one week, the personal
4.32 belonging or resource shall be reinstated. If the personal belonging or resource is not

5.1 reinstated, the officer choosing not to reinstate must provide a written report to the facility
5.2 head on why the privilege is not being reinstated. The department or, for local correctional
5.3 facilities, the facility head shall report annually to the chairs and ranking minority members
5.4 of the health finance and policy committee in the house of representatives and the health
5.5 and human services finance and policy committee in the senate, or any successor committees,
5.6 on the privileges taken away from inmates in segregation for abuses of such privilege or
5.7 facility and only as authorized by written directives, guidance documents, and operational
5.8 manuals.

5.9 (i) An inmate held in segregation must not be denied access or have access restricted to
5.10 food, water, mental health services, personal hygiene products, and medical care including
5.11 emergency medical care.

5.12 (j) The facility staff shall reply to requests made by inmates and accommodate inmates
5.13 in a timely manner, not to exceed six hours.

5.14 (k) Inmates shall have access to a formal grievance procedure at any point while in
5.15 segregation. The commissioner shall adopt rules to establish formal grievance procedures
5.16 for inmates in state and local correctional facilities to access while in any type of segregation,
5.17 including wellness housing.

5.18 (l) Rooms shall be at minimum eight feet by six feet.

5.19 (m) For medically required administrative segregation, the requirements in this
5.20 subdivision may be suspended to the extent that the requirement contradicts applicable
5.21 health standards.

5.22 **Subd. 3. Review of disciplinary segregation status.** (a) The commissioner of corrections
5.23 shall receive notification of all inmates with consecutive placement in a restrictive housing
5.24 setting for more than 30 days. This notification shall occur on a monthly basis. In the event
5.25 an inmate is placed into restrictive housing for more than 120 days, the reason for the
5.26 placement and the behavior management plan for the inmate shall be submitted to the
5.27 commissioner of corrections.

5.28 (b) An inmate shall have meaningful opportunity to request review of their placement
5.29 into segregation. The commissioner shall, in collaboration with the commissioner of health,
5.30 adopt rules applicable to both state and local adult correctional facilities to create a policy
5.31 through which inmates can request review of their status in segregation at any point based
5.32 on concerns over their health or well-being. This policy must include review of the inmate's
5.33 segregation by the Department of Health or a third party who is not under the authority of
5.34 the Department of Corrections.

6.1 Subd. 4. **Graduated interventions.** The commissioner shall design and implement a
6.2 continuum of interventions, including informal sanctions, administrative segregation, formal
6.3 discipline, disciplinary segregation, and step-down management. The commissioner shall
6.4 implement a method of due process for all offenders with formal discipline proceedings
6.5 under subdivision 12.

6.6 Subd. 5. **Mental health screening.** (a) If it is apparent that the inmate is exhibiting
6.7 serious symptoms of a mental illness that prevents the inmate from understanding or fully
6.8 participating in the disciplinary process, a mental health professional shall be consulted
6.9 regarding appropriate treatment and placement. For other inmates placed in a restrictive
6.10 setting, an inmate shall be screened by a health services staff member within 24 hours of
6.11 placement in a restrictive housing setting. If the screening indicates symptoms of a mental
6.12 illness, a qualified mental health professional shall be consulted regarding appropriate
6.13 treatment and placement. The health services staff member shall document any time an
6.14 inmate screens in for symptoms of a mental health illness and whether or not the health
6.15 services staff member connected with a mental health professional.

6.16 (b) If mental health staff believe the inmate's behavior may be more appropriately treated
6.17 through alternative interventions or programming, or determine that the inmate's actions
6.18 were the result of mental illness, this information must be considered during the disciplinary
6.19 process.

6.20 (c) If an inmate is placed in segregation for mental health or medical purposes, the facility
6.21 must notify the Department of Health as soon as the facility decides to place the inmate in
6.22 segregation. If an inmate begins exhibiting mental health or medical issues while in
6.23 segregation, the facility must notify the Department of Health immediately after learning
6.24 of these issues.

6.25 (d) The department shall collaborate with the Department of Health to develop and
6.26 implement policies for whether and how segregation is used for mental health or medical
6.27 purposes. These policies apply to both state and local correctional facilities.

6.28 Subd. 5a. **Wellness housing.** (a) The commissioner shall adopt rules in collaboration
6.29 with the commissioner of health applicable to both state and local correctional facilities to
6.30 create alternative wellness housing and to address risks in segregation for inmates who are
6.31 members of a vulnerable population.

6.32 (b) Wellness housing shall provide an alternative to administrative and segregated
6.33 housing for inmates who are members of a vulnerable population or otherwise experiencing
6.34 a mental health crisis.

7.1 (c) If an inmate is experiencing a mental health crisis or otherwise exhibiting signs of
7.2 mental illness, correctional staff shall follow the policies described in subdivision 5 to
7.3 determine the correct course of action for ensuring safety for the inmate in crisis and the
7.4 other inmates and staff in the facility.

7.5 (d) Wellness housing shall provide meaningful access to social interaction, exercise,
7.6 access to personal effects, environmental stimulation, and therapeutic programming. The
7.7 conditions of wellness housing must be consistent with the conditions described in
7.8 subdivision 2. In addition, the inmate shall not be deprived of light, ventilation, regular
7.9 meals, medical and mental health care, personal hygiene, showers, mail, personal effects,
7.10 access to the canteen, religious observance, reading materials, regular exercise, programming,
7.11 or visitation in line with what is permitted in general population.

7.12 (e) Wellness housing may be created within the existing space for restrictive housing in
7.13 the facility but must include the conditions required in paragraph (d).

7.14 (f) An inmate may request placement in wellness housing for a limited period of time
7.15 by alerting any staff member of their request. If an inmate requests to be placed in wellness
7.16 housing, that time shall not exceed ten days in a year, with a maximum of five days within
7.17 each stay. Immediate health and safety risks shall be prioritized for placement in wellness
7.18 housing.

7.19 (g) An inmate placed in wellness housing on their own request shall be granted release
7.20 from wellness housing at any time upon their request.

7.21 (h) The department and, for local correctional facilities, the facility head shall report
7.22 annually to the chairs and ranking minority members of the health finance and policy
7.23 committee in the house of representatives and the health and human services finance and
7.24 policy committee in the senate, or any successor committee, on any inmate-initiated requests
7.25 to be placed in wellness housing under paragraph (f). This report shall include the number
7.26 of requests to be placed in wellness housing, the number of requests accepted and denied,
7.27 the reason for denial, and the average amount of days spent in wellness housing per inmate.

7.28 **Subd. 6. Mental health care within segregated housing.** (a) A health services staff
7.29 member shall perform a daily wellness round in the restrictive housing setting. If a health
7.30 services staff member indicates symptoms of a mental illness, a qualified mental health
7.31 professional shall be consulted regarding appropriate treatment and placement and the staff
7.32 member must notify the Department of Health of the inmate in question's status.

8.1 (b) The department shall collaborate with the Department of Health to develop and
8.2 implement policies for addressing mental illness issues that arise while an inmate is in
8.3 segregation. These policies apply both to state and local correctional facilities.

8.4 **Subd. 7. Incentives for return to the general population.** (a) The commissioner shall
8.5 design and implement a system of incentives so that an inmate who demonstrates appropriate
8.6 behavior can earn additional privileges and an accelerated return to the general population.
8.7 As part of this system, all work assignments must be held open for inmates who are placed
8.8 in disciplinary or administrative segregation for 20 days or less, except where the disciplinary
8.9 segregation resulted from a violation at the worksite and the inmate's supervisor determined
8.10 the inmate is not fit to work at that site. The assignment committee or coordinator has
8.11 discretion to hold the job open for longer than 20 days, but not less. If the inmate is in
8.12 segregation for longer than 20 days and their job is not held for them, they shall be eligible
8.13 to apply for another job at any point during the last 15 days of their segregation sentence
8.14 in anticipation of their release from segregation.

8.15 (b) There shall be no unassigned idle or temporary idle period following segregation.
8.16 Inmates shall immediately reenter general population. Inmates shall have the option to return
8.17 to work on the first workday following the completion of their segregation sentence, either
8.18 returning to the job they held prior to segregation or beginning a new job.

8.19 (c) An inmate shall not be barred from any education programs for having been in
8.20 segregation for any period of time and for any requisite period after being released from
8.21 segregation.

8.22 (d) As part of its administration of job programming, the department and, for local
8.23 correctional facilities, the facility head shall prioritize making jobs available to inmates
8.24 coming out of segregation.

8.25 **Subd. 8. Discharge from segregated housing.** (a) An inmate shall not be released into
8.26 the community directly from a stay in restrictive housing for 60 or more days absent a
8.27 compelling reason. In cases where there is a compelling reason, the commissioner of
8.28 ~~corrections or~~, deputy commissioner, or facility head shall directly authorize the inmate's
8.29 release into the community from restrictive housing.

8.30 (b) The facility shall not place in administrative or disciplinary segregation an inmate
8.31 who is within six months of their mandatory release date, parole release date, or statutory
8.32 release date unless the facility head or their designee certifies in writing, based on a
8.33 preponderance of the evidence, that the presence of the inmate in general population would

9.1 pose a grave risk of harm to others or to the security of the institution and all other less
 9.2 restrictive options have been exhausted.

9.3 (c) The facility shall report annually to the chairs and ranking minority members of the
 9.4 health finance and policy committee in the house of representatives and the health and
 9.5 human services finance and policy committee in the senate, or any successor committee,
 9.6 on any inmates placed in segregation within six months of their mandatory release date,
 9.7 parole release date, or statutory release date. This report shall include the number of inmates
 9.8 placed in segregation within six months prior to their release date, the reason for their
 9.9 placement in segregation, and any attempts to use less restrictive options.

9.10 Subd. 9. **Reporting.** (a) By January 15, 2020, and by January 15 each year thereafter,
 9.11 the commissioner of corrections and, for local correctional facilities, the facility head shall
 9.12 report to the chairs and ranking minority members of the house of representatives and senate
 9.13 committees and divisions with jurisdiction over public safety and judiciary on the status of
 9.14 the implementation of the provisions in this section. This report shall include but not be
 9.15 limited to data regarding:

9.16 (1) the number of inmates in each institution placed in restrictive housing during the
 9.17 past year;

9.18 (2) the ages of inmates placed in restrictive housing during the past year;

9.19 (3) the number of inmates transferred from restrictive housing to the mental health unit;

9.20 (4) the number of requests to be placed in wellness housing, the number of requests
 9.21 accepted and denied, the reason for denial, and the average amount of days spent in wellness
 9.22 housing per inmate;

9.23 (5) disciplinary sanctions by infraction;

9.24 ~~(5)~~ (6) the lengths of terms served in restrictive housing, including terms served
 9.25 consecutively; ~~and~~

9.26 ~~(6)~~ (7) the number of inmates by race in restrictive housing;

9.27 (8) any inmates placed in segregation within six months of their mandatory release date,
 9.28 parole release date, or statutory release date; and

9.29 (9) privileges taken away from inmates in segregation for abuses of such privilege or
 9.30 facility and only as authorized by written directives, guidance documents, and operational
 9.31 manuals.

10.1 (b) The department of Corrections and, for local correctional facilities, the facility head
10.2 shall submit a qualitative report detailing outcomes, measures, and challenges to
10.3 implementation of a step-down management program by April 1, 2020

10.4 Subd. 10. Permitted use of administrative segregation. (a) The commissioner shall
10.5 adopt rules applicable to both state and local correctional facilities enumerating the
10.6 circumstances under which administrative segregation is permitted, limited to the following:

10.7 (1) the inmate must be a serious threat to the physical safety of staff or other inmates or
10.8 a serious escape risk; or

10.9 (2) the inmate refuses required medical screening, testing, or treatment for a
10.10 communicable disease and requires medical quarantine pursuant to applicable health
10.11 standards.

10.12 (b) If the inmate is a serious threat to their own self, the inmate shall be placed in wellness
10.13 housing or another alternative to segregation determined as required under subdivision 5.
10.14 An inmate may not be placed in administrative custody because they have been deemed in
10.15 need of protective custody. Such an inmate may only be placed in wellness housing or some
10.16 alternative housing that has equivalent access to general population privileges and resources.

10.17 (c) The facility shall place inmates in in-house segregation where possible before placing
10.18 an inmate in administrative segregation.

10.19 (d) Classification to administrative segregation for any of these reasons must meet the
10.20 standards under subdivisions 5 and 6.

10.21 (e) An inmate's time placed in administrative segregation must be determined
10.22 proportionately to the reason for placement in administrative segregation. The commissioner
10.23 shall enumerate, by rule, applicable to both state and local correctional facilities, the
10.24 maximum number of days an inmate may be placed in administrative segregation, based
10.25 on the reason for placement, in collaboration with the Department of Health.

10.26 Subd. 11. Permitted use of disciplinary segregation. (a) The commissioner shall adopt
10.27 rules applicable to both state and local correctional facilities to identify which infractions
10.28 can lead to disciplinary segregation limited to the following major discipline infractions:

10.29 (1) infractions that are a serious threat to the physical safety of staff or other inmates;

10.30 (2) infractions relating to serious escape risk; or

10.31 (3) infractions relating to smuggling, selling, or making of alcohol or drugs.

11.1 (b) Suspected intoxicated or inebriated individuals without evidence of smuggling may
11.2 be placed in segregation for no more than 24 hours pursuant to the conditions in subdivision
11.3 2.

11.4 (c) No inmate shall be placed in disciplinary segregation for violation of a minor discipline
11.5 infraction.

11.6 (d) Inmates shall be placed in in-house segregation where possible before placing an
11.7 inmate in disciplinary segregation.

11.8 (e) Classification to disciplinary segregation for any of these reasons must meet the
11.9 standards under subdivisions 5 and 6.

11.10 (f) The commissioner shall adopt rules applicable to both state and local correctional
11.11 facilities enumerating the maximum number of days an inmate may be placed in disciplinary
11.12 segregation, per infraction type. Each and every inmate shall be given notice and meaningful
11.13 opportunity to comment on these rules and any subsequent amendments to these rules before
11.14 final application.

11.15 (g) Any placement over 90 days in disciplinary segregation must be approved by the
11.16 commissioner or, for local correctional facilities, the facility head.

11.17 Subd. 12. **Notice and hearing process.** The commissioner shall set forth a notice and
11.18 hearing process for administrative and disciplinary segregation in line with the following
11.19 as provided in this subdivision:

11.20 (1) for a notice in disciplinary segregation:

11.21 (i) an inmate who allegedly violates a nonviolent department or facility policy or rule
11.22 for the first time shall receive a written warning. The written warning shall include the
11.23 policy in question and the inmate's behavior that allegedly violated that policy. The inmate
11.24 shall not be placed in segregation for their first violation of the nonviolent policy. Nonviolent
11.25 policies include any policy that does not involve an act of physical violence;

11.26 (ii) an inmate who allegedly violates a nonviolent department or facility policy more
11.27 than once or violates a department or facility policy involving an act of physical violence
11.28 on the part of the inmate shall be informed, in writing, of the allegedly violated policy before
11.29 the inmate is removed from the general population; and

11.30 (iii) apprehension of an inmate falling under this subdivision with the purpose of
11.31 relocating the inmate into segregation shall be conducted by a maximum of three detention
11.32 facility staff. The staff may not handcuff or physically restrain the inmate except in extreme

12.1 circumstances where the inmate uses physical violence to actively resist relocation to
12.2 segregation;

12.3 (2) for a hearing in disciplinary segregation:

12.4 (i) an inmate placed in disciplinary segregation is entitled to a hearing where they can
12.5 present evidence showing they did not violate the department or facility policy as alleged.
12.6 An inmate must be given the opportunity to be fully heard;

12.7 (ii) the hearing officer must be a different person than the officer who filed the inmate's
12.8 original violation; and

12.9 (iii) the department or facility must establish and adhere to ranges of segregation durations
12.10 based on the severity of the violation. Violations of nonviolent policies may not result in
12.11 segregation stays longer than five days;

12.12 (3) for a notice in administrative segregation:

12.13 (i) an inmate must receive written notice of administrative segregation. An inmate may
12.14 not be placed in administrative segregation until after written notice with cause in accordance
12.15 with subdivision 10; and

12.16 (ii) transfer of an inmate to administrative segregation shall be conducted by a maximum
12.17 of three detention facility staff. The staff may not handcuff or physically restrain the inmate
12.18 except in extreme circumstances where the inmate uses physical violence to actively resist
12.19 relocation to segregation; and

12.20 (4) for an appeal of administrative segregation, an inmate is entitled to appeal their
12.21 placement in administrative segregation. This appeal must result in a hearing in accordance
12.22 with this subdivision.

12.23 Subd. 13. **Vulnerable populations.** On and after, no inmate who is a member of a
12.24 vulnerable population shall be placed in segregated housing. An inmate who is a member
12.25 of a vulnerable population may be assigned to wellness housing as described in subdivision
12.26 5a to protect their own selves, staff, or other inmates, or may be placed in wellness housing
12.27 upon their own request under subdivision 5a.

12.28 Subd. 14. **Solitary confinement.** No person shall be placed in solitary confinement.

12.29 Subd. 15. **Temporary segregation.** Temporary segregation shall not last for more than
12.30 five business days. Time in temporary segregation must count toward the time imposed by
12.31 the formal disciplinary review or administrative segregation investigation.

13.1 Subd. 16. Segregation policy creation and amendments. (a) Before January 1, 2025,
13.2 existing department segregation policies must be updated to implement the requirements
13.3 of this section. Beginning January 1, 2025, rules promulgated by the commissioner relating
13.4 to segregation, including but not limited to conditions in segregated housing, notice and
13.5 hearing process, graduated intervention, mental health housing, permitted uses of segregation,
13.6 and considerations of vulnerable populations, are not an exception to the Minnesota
13.7 Administrative Procedure Act under section 14.03, subdivision 3, paragraph (b), clause (1).
13.8 Segregation policies in place on December 31, 2024, may be enforced until rules adopted
13.9 under chapter 14 supersede them.

13.10 (b) The commissioner shall create a notice process for inmates to be aware of any changes
13.11 to segregation policies, including but not limited to what infractions may lead to segregation
13.12 and inmates' rights in segregation. Inmates shall have meaningful opportunity to write a
13.13 comment to these rules. These comments shall be reviewed by the commissioner before
13.14 final promulgation of each rule.

13.15 (c) The department shall report annually to the chairs and ranking minority members of
13.16 the health finance and policy committee in the house of representatives and the health and
13.17 human services finance and policy committee in the senate, or any successor committees,
13.18 on the comments made under paragraph (b).