

HOUSE BILL 223

By Chism

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 41, Chapter 4, relative to the Juvenile Justice Stop Solitary Confinement Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Juvenile Justice Stop Solitary Confinement Act."

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

(a) As used in this section, "solitary confinement":

(1) Means the placement of an incarcerated person in a locked sleep room or cell alone with minimal or no contact with persons other than guards, juvenile facility staff, and attorneys; and

(2) Does not include confinement of an incarcerated person in a single-person room or cell for brief periods of locked-room confinement necessary for required institutional operations, including, but not limited to, shift changes, showering, unit movements, and protection against communicable diseases with the written approval of a licensed physician for the shortest amount of time required to reduce the risk of infection in cases where a person is not required to be in an infirmary for an illness.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Except as provided in subsection (d), a juvenile detention facility shall not place any juvenile offender in solitary confinement.

(d) The placement of a juvenile offender in solitary confinement must be in accordance with the following guidelines:

(1) Solitary confinement must not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety of any other juvenile, inmate, or staff;

(2) Solitary confinement must not be used for the purposes of coercion, convenience, or retaliation by staff; and

(3) A juvenile detention facility may place a juvenile offender who presents a serious security risk or an imminent threat to the safety of another in solitary confinement, without a hearing, for a period not to exceed twenty-two hours; provided, that if an administrative hearing is conducted after the initial solitary confinement period, and the juvenile offender is still found to present a serious security risk or imminent threat to the safety of another, the juvenile detention facility may order the juvenile offender to be placed in solitary confinement for no more than an additional seven (7) days, at a maximum of twenty-two (22) hours per day.

(e) A juvenile detention facility must provide a weekly report to the appropriate juvenile court judge of each juvenile offender placed in solitary confinement during the time period of the report. The report must include the circumstances resulting in the juvenile offender being placed in solitary confinement, the less restrictive alternative efforts used prior to solitary confinement, the total number of hours and days the juvenile offender was placed in solitary confinement, and the number and content of meals provided to the juvenile offender while in solitary confinement.

(f) The department shall provide appropriate training, either through the department or by contract, to individuals employed by a juvenile detention facility in the treatment of juveniles.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.