



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4933/1
MLJ:ahc

2019 BILL

1 **AN ACT** *to renumber* 302.10; and *to create* 302.10 (1) and 302.10 (3) of the
2 statutes; **relating to:** placement of inmates in solitary confinement.

Analysis by the Legislative Reference Bureau

This bill prohibits the placement of any prison inmate with a serious mental illness in solitary confinement for more than ten days, and requires that a mental health evaluation be performed on any inmate before he or she is placed in solitary confinement. The bill also requires that the Department of Corrections evaluate all prison inmates being held in solitary confinement on the bill's effective date within 90 days and relocate any inmates for whom continued solitary confinement is impermissible.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 302.10 of the statutes is renumbered 302.10 (2).

4 **SECTION 2.** 302.10 (1) of the statutes is created to read:

5 302.10 (1) In this section, "serious mental illness" means those chronic mental
6 disorders that cause long-standing problems with emotional regulation or reality
7 testing, which leads to poor functioning in multiple domains, including social,

BILL**SECTION 2**

1 occupational, and recreational domains. Serious mental illness includes psychotic
2 disorders such as schizophrenia, schizoaffective disorder, bipolar disorder, major
3 depression, and other psychoses not otherwise specified.

4 **SECTION 3.** 302.10 (3) of the statutes is created to read:

5 302.10 (3) (a) No person with a serious mental illness may be confined to a
6 solitary cell for more than 10 days except when exigent circumstances are present.

7 (b) Prior to confining an inmate to a solitary cell, a physician shall perform a
8 mental health evaluation to determine whether par. (a) limits his or her period of
9 confinement in a solitary cell.

10 **SECTION 4. Nonstatutory provisions.**

11 (1) Within 90 days of the effective date of this bill, the department of corrections
12 shall review the status of all inmates being held in solitary confinement. The results
13 of the review must be approved by the department's director of psychiatry, or his or
14 her designee. If the review determines that an inmate who has a serious mental
15 illness, as defined in s. 302.10 (1), is being held in solitary confinement for a period
16 longer than 10 days, the department shall move the inmate from that prolonged
17 solitary confinement to a correctional mental health facility or other appropriate
18 housing that does not include prolonged solitary confinement.

19 (END)