

REFERENCE TITLE: prisoners; isolated confinement; prohibited

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

# HB 2691

Introduced by  
Representatives Chávez: Espinoza, Hernandez A, Longdon, Meza

AN ACT

AMENDING TITLE 31, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 31-232; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 31, chapter 2, article 2, Arizona Revised  
3 Statutes, is amended by adding section 31-232, to read:

4 31-232. Isolated confinement prohibited; exceptions; space  
5 requirements; due process

6 A. THE DEPARTMENT MAY NOT PLACE AN INMATE IN ISOLATED CONFINEMENT  
7 UNLESS THERE IS REASONABLE CAUSE TO BELIEVE THAT THE INMATE OR ANOTHER  
8 PERSON WOULD BE AT SUBSTANTIAL RISK OF IMMEDIATE AND SERIOUS HARM AS  
9 EVIDENCED BY RECENT THREATS OR CONDUCT AND ANY LESS RESTRICTIVE  
10 INTERVENTION WOULD BE INSUFFICIENT TO REDUCE THAT RISK.

11 B. THE DEPARTMENT MAY NOT PLACE AN INMATE IN ISOLATED CONFINEMENT  
12 BASED ON THE INMATE'S RACE, CREED, COLOR, NATIONAL ORIGIN, NATIONALITY,  
13 ANCESTRY, AGE, MARITAL STATUS, DOMESTIC PARTNERSHIP OR CIVIL UNION STATUS,  
14 AFFECTIONAL OR SEXUAL ORIENTATION, GENETIC INFORMATION, PREGNANCY OR  
15 BREASTFEEDING STATUS, SEX, GENDER IDENTITY OR EXPRESSION OR DISABILITY.

16 C. THE CORRECTIONAL FACILITY IS RESPONSIBLE FOR ESTABLISHING THE  
17 JUSTIFICATION FOR AN INMATE'S ISOLATED CONFINEMENT BY CLEAR AND CONVINCING  
18 EVIDENCE.

19 D. EXCEPT IN CASES INVOLVING MEDICAL ISOLATION, THE WARDEN OR  
20 PRISON ADMINISTRATOR SHALL MAKE THE FINAL DECISION TO PLACE AN INMATE IN  
21 ISOLATED CONFINEMENT.

22 E. AN INMATE MAY NOT BE PLACED IN ISOLATED CONFINEMENT FOR MORE  
23 THAN FIFTEEN CONSECUTIVE DAYS OR FOR MORE THAN TWENTY DAYS DURING ANY  
24 SIXTY-DAY PERIOD.

25 F. INMATES MAY BE PLACED IN ISOLATED CONFINEMENT ONLY FOR THE  
26 PURPOSES OF FACILITY-WIDE LOCK DOWNS, EMERGENCY CONFINEMENT, MEDICAL  
27 ISOLATION AND PROTECTIVE CUSTODY.

28 G. CELLS OR OTHER HOLDING OR LIVING SPACES THAT ARE USED FOR  
29 ISOLATED CONFINEMENT MUST BE PROPERLY VENTILATED, LIT, TEMPERATURE  
30 CONTROLLED, CLEAN AND EQUIPPED WITH PROPERLY FUNCTIONING SANITARY  
31 FIXTURES.

32 H. AN INMATE SHALL RECEIVE TIMELY, FAIR AND MEANINGFUL  
33 OPPORTUNITIES TO CONTEST ISOLATED CONFINEMENT, INCLUDING ALL OF THE  
34 FOLLOWING:

35 1. THE RIGHT TO AN INITIAL HEARING WITHIN SEVENTY-TWO HOURS AFTER  
36 PLACEMENT AND REVIEWS EVERY FIFTEEN DAYS AFTER THAT.

37 2. IN THE ABSENCE OF EXCEPTIONAL CIRCUMSTANCES, UNAVOIDABLE DELAYS  
38 OR REASONABLE POSTPONEMENT, THE RIGHT TO APPEAR AT THE HEARING.

39 3. THE RIGHT TO BE REPRESENTED AT THE HEARING.

40 4. THE RIGHT TO AN INDEPENDENT HEARING OFFICER.

41 5. A WRITTEN STATEMENT OF REASONS FOR THE DECISION MADE AT THE  
42 HEARING.