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

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

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

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

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

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

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

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

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

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

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

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

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

3. THE RIGHT TO BE REPRESENTED AT THE HEARING.

4. THE RIGHT TO AN INDEPENDENT HEARING OFFICER.

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