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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2019	.	
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The Committee on Criminal Justice (Montford) recommended the following:

1           **Senate Substitute for Amendment (366196) (with title**  
2 **amendment)**

3  
4           Delete lines 104 - 201  
5 and insert:

6           945.425 Youth in confinement.-  
7           (1) DEFINITIONS.-As used in this section, the term:  
8           (a) "Emergency confinement" means a type of confinement  
9 that involves the involuntary placement of a youth in an  
10 isolated room to separate that youth from the general inmate



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11 population and to remove him or her from a situation in which he  
12 or she presents an immediate and serious danger to the security  
13 or safety of himself or herself or others.

14 (b) "Medical confinement" means a type of confinement that  
15 involves the involuntary placement of a youth in an isolated  
16 room to separate that youth from the general inmate population  
17 to allow him or her to recover from an illness or to prevent the  
18 spread of a communicable illness.

19 (c) "Mental health clinician" means a licensed  
20 psychiatrist, psychologist, social worker, mental health  
21 counselor, nurse practitioner, or physician assistant.

22 (d) "Solitary confinement" means the involuntary placement  
23 of a youth in an isolated room to separate that youth from the  
24 general inmate population for any period of time.

25 (e) "Youth" means a person within the custody of the  
26 department who is under the age of 19 years.

27 (2) PROHIBITION ON THE USE OF SOLITARY CONFINEMENT.—A youth  
28 may not be placed in solitary confinement, except as provided in  
29 this section.

30 (3) PROTECTING YOUTH IN EMERGENCY CONFINEMENT.—

31 (a) A youth may be placed in emergency confinement if all  
32 of the following conditions are met:

33 1. A nonphysical intervention with the youth would not be  
34 effective in preventing harm or danger to the youth or others.

35 2. There is imminent risk of the youth physically harming  
36 himself or herself, staff, or others or the youth is engaged in  
37 major property destruction that is likely to compromise the  
38 security of the program or jeopardize the safety of the youth or  
39 others.



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40           3. All less-restrictive means have been exhausted.

41           (b) Facility staff shall document the placement of a youth  
42 in emergency confinement. The documentation must include  
43 justification for the placement, in addition to a description of  
44 the less-restrictive options that the facility staff exercised  
45 before the youth was so placed.

46           (c) A mental health clinician shall evaluate a youth who is  
47 placed in emergency confinement within 1 hour after such  
48 placement to ensure that the confinement is not detrimental to  
49 the mental or physical health of the youth. Following the  
50 initial evaluation, a mental health clinician shall conduct a  
51 face-to-face evaluation of the youth every 2 hours thereafter to  
52 determine whether the youth should remain in emergency  
53 confinement. The mental health clinician shall document each  
54 evaluation and provide justification for continued placement in  
55 emergency confinement.

56           (d) A youth may not be placed in emergency confinement for  
57 more than 24 hours unless an extension is sought and obtained by  
58 a mental health clinician.

59           1. If a mental health clinician determines that release of  
60 the youth would imminently threaten the safety of the youth or  
61 others, the mental health clinician may grant a one-time  
62 extension of 24 hours for continued placement in emergency  
63 confinement.

64           2. If, at the conclusion of the 48-hour window, a mental  
65 health clinician determines that it is not safe for the youth to  
66 be released from emergency confinement, the facility staff must  
67 prepare to transfer the youth to a facility that is able to  
68 provide specialized treatment to address the youth's needs.



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69       (e) A youth who is placed in emergency confinement must be  
70 provided access to the same meals and drinking water, clothing,  
71 medical treatment, contact with parents and legal guardians, and  
72 legal assistance as provided to youth in the general inmate  
73 population.

74       (f) The use of emergency confinement is strictly prohibited  
75 for the purposes of punishment or discipline.

76       (4) PROTECTING YOUTH IN MEDICAL CONFINEMENT.—

77       (a) A youth may be placed in medical confinement if all of  
78 the following conditions are met:

79       1. Isolation from the general inmate population and staff  
80 is required to allow the youth to rest and recover from illness  
81 or to prevent the spread of a communicable illness.

82       2. A medical professional deems such placement necessary.

83       3. The use of other less-restrictive means would not be  
84 sufficient to allow the youth to recover from illness or to  
85 prevent the spread of a communicable illness.

86       (b) A youth may be placed in medical confinement for a  
87 period of time not to exceed the time that is necessary for the  
88 youth to recover from his or her illness or to prevent the  
89 spread of a communicable illness to other inmates or staff in  
90 the facility.

91       (c) Facility staff shall document the placement of a youth  
92 in medical confinement. The documentation must include a medical  
93 professional's justification for the placement.

94       (d) A medical professional must evaluate a youth who is  
95 held in medical confinement face-to-face at least once every 12  
96 hours to determine whether the youth should remain in medical  
97 confinement. The medical professional shall document each



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98 evaluation and provide justification for continued placement in  
99 medical confinement.

100 (e) The use of medical confinement is strictly prohibited  
101 for the purposes of punishment or discipline.

102 (5) IMPLEMENTATION.—

103 (a) The department shall review its policies and procedures  
104 relating to youth in confinement to determine whether

106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete line 26

109 and insert:

110 relating to youth in confinement; requiring