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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 222 Session of  
2023

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INTRODUCED BY HUGHES, KANE, MUTH, SCHWANK, HAYWOOD, FONTANA,  
DILLON, BREWSTER, STREET, CAPPELLETTI, KEARNEY, COMMITTA,  
SAVAL, TARTAGLIONE AND COSTA, JANUARY 31, 2023

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REFERRED TO JUDICIARY, JANUARY 31, 2023

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AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, providing for solitary confinement.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Title 61 of the Pennsylvania Consolidated  
6 Statutes is amended by adding a chapter to read:

7 CHAPTER 51

8 SOLITARY CONFINEMENT

9 Sec.

10 5101. Definitions.

11 5102. Data collection and reporting requirements.

12 § 5101. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Department." The Department of Corrections of the  
17 Commonwealth.

1 "Inmate." An adult person committed to a term of  
2 imprisonment or otherwise confined in a State correctional  
3 institution.

4 "Member of a vulnerable population." Any of the following:

5 (1) An inmate who is 21 years of age or younger.

6 (2) An inmate who is 70 years of age or older.

7 (3) An inmate who is pregnant or in the postpartum  
8 period.

9 (4) An inmate who has recently suffered a miscarriage or  
10 terminated a pregnancy.

11 (5) An inmate who is perceived to be lesbian, gay,  
12 bisexual, transgender or intersex.

13 "Personally identifiable information." Any representation of  
14 information that permits the identity of an individual to whom  
15 the information applies to be reasonably inferred by either  
16 direct or indirect means, including, but not limited to, the  
17 individual's:

18 (1) name;

19 (2) address;

20 (3) Social Security number or other identifying number  
21 or code;

22 (4) telephone number; or

23 (5) email address.

24 "Postpartum period." The period following delivery before an  
25 inmate or a detainee has been discharged from a medical  
26 facility.

27 "Solitary confinement." The confinement of an inmate in a  
28 State correctional institution due to disciplinary,  
29 administrative, protective, investigative, medical or other  
30 classification, in a cell or similarly confined holding or

1 living space, alone or with other inmates for approximately 20  
2 hours or more per day, with severely restricted activity,  
3 movement and social interaction.

4 "State correctional institution." A correctional institution  
5 or facility housing incarcerated individuals owned or operated  
6 by the Commonwealth.

7 § 5102. Data collection and reporting requirements.

8 (a) Data collection.--The department shall collect the  
9 following information as required for reporting under subsection

10 (b):

11 (1) The average annual State prison population.

12 (2) The number of inmates housed within solitary  
13 confinement and the number of inmates released from solitary  
14 confinement.

15 (3) For each inmate housed within solitary confinement,  
16 the age, sex, race, ethnicity, mental health code, medical  
17 class code, security level and custody level classification  
18 of the inmate and whether the inmate is a member of a  
19 vulnerable population.

20 (4) For each inmate released from solitary confinement,  
21 any change to the inmate's mental health code, medical class  
22 code, security level or custody level classification.

23 (5) The reason or reasons for which each inmate was  
24 placed into solitary confinement.

25 (6) The number of days each inmate was housed within  
26 solitary confinement per confinement.

27 (7) The number of incidents of self-harm, offenses  
28 toward others, suicide attempts and suicides for inmates  
29 housed within solitary confinement.

30 (8) The number of incidents of self-harm, offenses

1 toward others, suicide attempts and suicides for inmates  
2 released from solitary confinement.

3 (9) The current three-year recidivism rate for all  
4 inmates released from the State prison system and the three-  
5 year recidivism rate for inmates released from the State  
6 prison system who were housed in solitary confinement at any  
7 time in the two years preceding their release.

8 (10) The number of staff persons, including a breakdown  
9 by job classification, dedicated to inmates housed within  
10 solitary confinement during the previous calendar year.

11 (b) Annual report.--The following shall apply:

12 (1) On August 1 of the year that begins immediately  
13 following the effective date of this paragraph, and each  
14 August 1 thereafter, the department shall report to the  
15 Governor, the chair and minority chair of the Judiciary  
16 Committee of the Senate and the chair and minority chair of  
17 the Judiciary Committee of the House of Representatives in  
18 the aggregate the data collected under subsection (a) for the  
19 previous calendar year.

20 (2) The report shall also include a description of any  
21 changes made during the previous calendar year to written  
22 policies or procedures of the department relating to the use  
23 and conditions of solitary confinement.

24 (3) The department shall ensure that the report does not  
25 contain any personally identifiable information of any inmate  
26 as a result of the required data collection.

27 (c) Publication requirements.--The following shall apply:

28 (1) Within 30 days of the effective date of this  
29 paragraph, the department shall:

30 (i) provide a copy of the department's policies and

1 procedures governing the use of solitary confinement to  
2 the Governor, the chair and minority chair of the  
3 Judiciary Committee of the Senate and the chair and  
4 minority chair of the Judiciary Committee of the House of  
5 Representatives; and

6 (ii) publish the department's policies and  
7 procedures governing the use of solitary confinement on  
8 the department's publicly accessible Internet website.

9 (2) If the department changes a policy or procedure  
10 governing the use of solitary confinement following  
11 dissemination of policies and procedures under paragraph (1),  
12 the department shall update the policies and procedures  
13 published on the department's publicly accessible Internet  
14 website and provide written notice to recipients listed in  
15 paragraph (1)(i). A policy or procedure updated under this  
16 paragraph shall include an annotation with dates to indicate  
17 any changes that have been made.

18 (3) Within 10 days of submission of the report as  
19 required under subsection (b), the department shall publish  
20 the annual report on the department's publicly accessible  
21 Internet website.

22 Section 2. This act shall take effect immediately.