

**Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement**

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ORIGINAL

Bill Number: HB35

Patron: Cole, J.G.

Bill Title: Restorative housing and isolated confinement; restrictions on use.

Bill Summary: Prohibits the use of isolated confinement, defined in the bill, in state correctional facilities, subject to certain exceptions. The bill requires that before placing an incarcerated person in restorative housing or isolated confinement for his own protection, the facility administrator shall place an incarcerated person in a less-restrictive setting, including by transferring such person to another institution or to a special-purpose housing unit for incarcerated persons who face similar threats. The bill requires that if an incarcerated person is placed in restorative housing or isolated confinement, such placement shall be reviewed every 48 hours and the facility administrator shall ensure that the incarcerated person receives a medical and mental health evaluation from certified medical and mental health professionals within one working day of placement in restorative housing or any form of isolated confinement. The bill also requires the facility administrator to notify the regional administrator in writing that an incarcerated person was placed in restorative housing or isolated confinement within 24 hours of such placement. Finally, the bill requires that formal reviews of an incarcerated person's placement in any form of isolated confinement shall be held in such person's presence, inform him of any reasons administrative officials believe isolated confinement remains necessary, and give the incarcerated person an opportunity to respond to those reasons, and a formal ruling shall be provided to the incarcerated individual within 24 hours.

Budget Amendment Necessary: Yes

Items Impacted: Item 388

Explanation: See below

Fiscal Summary:

To provide adequate staffing to meet the requirement for the 48-hour reviews and ensure that the incarcerated person receives a medical and mental health evaluation from certified medical and mental health professionals within one working day of placement in restorative housing or any form of isolated confinement proposed in the bill, the Department of Corrections estimates the need for an additional 18 Casework Counselors and Mental Health Clinicians.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
Department of Corrections		\$3,688,561	\$3,688,561	\$3,688,561	\$3,688,561	\$3,688,561
TOTAL		\$3,688,561	\$3,688,561	\$3,688,561	\$3,688,561	\$3,688,561

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

Position Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
Department of Corrections		36	36	36	36	36
TOTAL	36	36	36	36	36	36

Fiscal Analysis:

The bill defines "isolated confinement" as a confinement of an incarcerated person to a cell for 17 hours or more per day, regardless of the name of the housing unit in which such confinement occurs. The bill also defines "Lockdown" to restriction of movement and privileges for an entire pod, housing unit, or facility, such that all individuals therein are confined to their cells for 20 or more hours per day, and out-of-cell programmatic interventions are interrupted.

"Out-of-cell programmatic interventions" is defined when an incarcerated person is either in a congregate setting with other incarcerated persons receiving educational, vocational, rehabilitative, or therapeutic instruction or is individually with one or more staff members who will be offering medical, mental health, or some other social service.

Currently, "Restorative Housing" is defined as special purpose bed assignments operated under maximum security regulations and procedures and utilized for the personal protection or custodial management of an incarcerated person. The proposed legislation does not change this definition.

The Department of Corrections (DOC) reports that it operates 18 Restorative Housing Units (RHUs) at Security Level 2 facilities or higher. DOC reports that it has 858 RHU beds across all facilities and in FY 2025, a total of 5,340 inmates were placed in RHU Status.

The bill specifies that a minimum of one hour of recreation shall be provided and shall take place in a congregate setting unless exceptional circumstances mean that doing so would create significant and unreasonable risks to the safety and security of other incarcerated persons, the staff, or the facility. DOC believes that overtime may be needed for corrections officers to supervise the extra recreation time required by the bill, at a total cost of \$256,253 annually.

The bill requires that an incarcerated person receives a medical and mental health evaluation from certified medical and mental health professionals within one working day of placement in Restorative Housing or any form of isolated confinement. Additionally, the bill requires that all voluntary and involuntary placements in Isolated Confinement be reviewed every 48 hours and that the reason why a less-restrictive setting could not

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

be utilized must be recorded in writing by the facility administrator and placed in the incarcerated person's institutional file, contributing to the overall cost of implementation.

Language in the bill requires that the multidisciplinary team conducting formal reviews includes at least one non-security advisor for the incarcerated individual, at least one certified mental health professional, and at least one certified medical professional. DOC believes it would need to have staff available on a rotational basis to cover this workload, including weekend coverage. DOC estimates that it will need funding for 18 additional Casework Counselors and 18 additional Mental Health Clinicians at an annual cost of \$3,432,308.

Additionally, the bill requires that when an incarcerated person makes a request to be placed in restorative housing or isolated confinement for their own protection, the facility must bear the burden of establishing a basis for refusing the request. Specifically, before placing an incarcerated person in restorative housing or isolated confinement of any designation for their own protection, the facility administrator must place an incarcerated person in a less restrictive setting, including by transfer to the general population of another institution or to a special-purpose housing unit for incarcerated persons who face similar threats, unless the incarcerated person faces a security risk so great that no less-restrictive setting would be sufficient or practicable to ensure the incarcerated person's safety.

Because it is unknown how many of these requests would be refused by DOC, it is unknown how many prisoners would be placed in isolation confinement or restorative housing. The actual number of transfers that would result from this bill's provisions is unknown. Therefore, the cost of this provision cannot be known at this time. However, if these inmates are to be transferred to other DOC facilities, it is possible that additional funds could be required to cover the costs for correctional officer overtime and vehicle transport.

Other: None