

**PLEASE NOTE:** Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by striking out all of the first indented paragraph after the title (page 1, line 11 in amendment)

Amend the amendment by striking out all of the substitute title (page 1, lines 12 to 14 in amendment)

Amend the amendment by striking out all of sections 1 and 2 and inserting the following:

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**Sec. 1. 34-A MRSA §1406** is enacted to read:

**§ 1406. Minimum standards governing the humane treatment of special management prisoners**

The commissioner shall ensure that special management prisoners are treated in accordance with the minimum standards for humane treatment established in this section.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Inmate with a serious mental illness" means:

(1) An inmate found to have current symptoms of or who is currently receiving treatment for the following diagnosis:

(a) Schizophrenia;

(b) Delusional disorder;

(c) Schizophreniform disorder;

(d) Schizoaffective disorder;

(e) Brief psychotic disorder;

(f) Substance-induced psychotic disorder, excluding intoxication and withdrawal;

(g) Psychotic disorder not otherwise specified;

(h) Major depressive disorder; or

(i) Bipolar disorder;

(2) An inmate diagnosed with a mental disorder that includes being actively suicidal;

(3) An inmate diagnosed with a serious mental illness that is frequently characterized by breaks with or perceptions of reality that result in significant functional impairment;

(4) An inmate diagnosed with an organic brain syndrome that would result in a significant functional impairment if not treated;

(5) An inmate diagnosed with a severe personality disorder that is characterized by frequent episodes of psychosis or depression and results in significant functional impairment; or

(6) An inmate diagnosed with mental retardation with significant functional impairment.

B. "Special management prisoner" means a prisoner housed in a special management unit.

C. "Special management unit" means a high-security unit within a prison facility that houses a prisoner assigned by the commissioner to a high-risk management status, an administrative segregation status or a disciplinary segregation status.

**2. Removal of inmate with serious mental illness.** The department shall divert or remove an inmate with a serious mental illness from confinement in a special management unit when such confinement could last for a period in excess of one week. Nothing in this subsection may prevent the disciplinary process from proceeding in accordance with department rules for disciplinary hearings.

**3. Listing of special management prisoners.** The commissioner shall maintain a current list of all special management prisoners that includes the date of confinement in the special management unit, the date of the last annual review conducted pursuant to subsection 4, the date of the last mental health evaluation, the reasons for placement in the special management unit and, in a case in which a prisoner has been housed in that unit for more than 60 days, a written statement of the criteria relied upon to support that extended confinement. The commissioner shall provide the board of visitors for each correctional facility appointed under section 3001A, the State Board of Corrections and the joint standing committee of the Legislature having jurisdiction over corrections matters a copy of the list on a quarterly basis.

**4. Annual review.** The State Board of Corrections shall annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management

prisoners complies with this section. The State Board of Corrections shall annually report its findings under this subsection to the joint standing committee of the Legislature having jurisdiction over corrections matters.'

## SUMMARY

This amendment removes the review of policies related to placement of special management prisoners provided in Committee Amendment "A". The amendment requires the Department of Corrections to divert or remove an inmate with a serious mental illness, as defined in the amendment, from confinement in a special management unit when such confinement could last for a period in excess of one week and states that this provision may not prevent the disciplinary process from proceeding in accordance with department rules for disciplinary hearings.

The amendment also requires the Commissioner of Corrections to maintain a current list of all special management prisoners and, when a prisoner has been retained for more than 60 days in one or more of the units of the special management unit, to also maintain a written statement of the criteria relied upon to support that extended confinement. The commissioner shall provide the boards of visitors, the State Board of Corrections and the joint standing committee of the Legislature having jurisdiction over corrections matters a copy of the list on a quarterly basis.

The amendment further requires the State Board of Corrections to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. The State Board of Corrections is required to include its findings in an annual report to the joint standing committee of the Legislature having jurisdiction over corrections matters.