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AB-701 Corrections: solitary confinement. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 701

Introduced by Assembly Member Ortega

February 14, 2025

An act to add and repeal Article 7 (commencing with Section 2697) of Chapter 4 of Title 1 of Part 3 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as introduced, Ortega. Corrections: solitary confinement.

Existing law provides the Department of Corrections and Rehabilitation with jurisdiction over the state prison, as specified. Existing law states that it is unlawful to use any cruel, corporal, or unusual punishment or to inflict any treatment or allow any lack of care that would injure or impair the health of a prisoner, inmate, or person confined.

This bill would, upon appropriation by the Legislature, require the Department of Justice, in collaboration with the Department of Corrections and Rehabilitation and the Board of State and Community Corrections, to conduct a one-time comprehensive study on the use of solitary confinement in all detention facilities in California. The bill would require the study to include specified data about each instance of solitary confinement during the first 9 months of the year of 2026, including, among other data, the time and date solitary confinement began and ended, the facility in which it occurred, and the stated basis for the solitary confinement. The bill would require detention facilities to report the required data to the department. By increasing duties on local detention facilities, this bill would impose a state-mandated local program. The bill would require the Department of Justice to provide monthly data to the Legislature, and a final report to the Legislature and the Governor, by November 1, 2026, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 7 (commencing with Section 2697) is added to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

Article 7. Solitary Confinement

2697. The Legislature finds and declares both of the following:

(a) Solitary confinement, defined as the practice of isolating individuals in a cell for 17 hours or more per day, has significant negative implications for mental health, rehabilitation, and public safety.

(b) Comprehensive data on the use of solitary confinement is essential to understanding its impact and developing informed policies that balance safety, security, and humane treatment.

2697.1. For the purposes of this article, the following terms have the following meanings:

(a) "Cell" means any room, area, or space that is used or is intended to be used by an incarcerated individual for sleep, or any room, area, or space that is not a shared space conducive to meaningful human interaction among many people in a group setting without physical barriers between people where a person or persons are held for any purpose.

(b) "Detention facilities" means all jails, prisons, and private detention facilities operating within the State of California. For purposes of this section, "private detention facility" has the same meaning as in Section 7320 of the Government Code.

(c) "Meaningful human interaction" means sustained, direct interaction between individuals that allows for empathetic communication and engagement, extending beyond purely transactional exchanges, conducted without physical barriers, and fostering an individuals' psychological and social well-being.

(d) "Out-of-cell" means being in a space outside of, and in an area away from, a cell, in a group setting with other people all in the same shared space without physical barriers between people that is conducive to meaningful human interaction.

(e) "Solitary confinement" means the confinement of an individual in a cell or similarly confined holding or living space, alone or with other individuals, for 17 hours or more per day, or any situation in which an individual is locked in any space that is not a group setting conducive for meaningful human interaction for 17 hours or more per day.

2697.2. (a) Upon appropriation by the Legislature, the Department of Justice, in collaboration with the Department of Corrections and Rehabilitation and the Board of State and Community Corrections, shall conduct a one-time comprehensive study on the use of solitary confinement within all detention facilities in California.

(b) The study shall include, but not be limited to, the following data for each instance of solitary confinement during the first nine months of the year of 2026:

(1) The time and date solitary confinement began and ended, including any start date that began prior to the study period and any projected end date if someone is still in solitary confinement at the conclusion of the study period.

(2) The specific facility and unit where solitary confinement occurred, including the name of the unit and whether the unit is considered to be general population, disciplinary confinement, administrative segregation, an alternative to solitary confinement, protective custody, or another type of unit.

(3) The duration of solitary confinement, including the total consecutive duration in solitary confinement for each individual subjected to solitary confinement, including if that consecutive duration began prior to the study period, and the total duration during the study period of solitary confinement for each individual subjected to solitary confinement, including the total projected duration if the person is still in solitary confinement at the conclusion of the study period.

(4) The stated basis or reason for the use of solitary confinement.

(5) The demographics of the individual placed in solitary confinement, including age, gender, race, disability, pregnancy or postpartum status, identification as lesbian, gay, bisexual, transgender, intersex, or gender nonconforming, and any known mental or physical health conditions.

(6) The nature and frequency of any meaningful human interaction provided during confinement.

(7) The conditions of the confinement, including number of hours of out of cell time per day, location of out of cell time, number of hours of out of cell time in a group setting, number of hours of out of cell programming, cell size, lighting, ventilation, access to outdoor recreation, and access to outdoor recreation in a group setting.

(8) Any disciplinary, protective, administrative, or other rationale cited for the confinement.

(c) The study shall also include all of the following data during the study period for individuals in solitary confinement:

- (1) The number of incidents of self-harm, suicide attempts, and suicides during solitary confinement or within 60 days after solitary confinement, broken down by facility, unit, and date of occurrence.
- (2) The number of deaths occurring during solitary confinement broken down by facility, unit, cause of death, and date of occurrence.
- (3) The number of sanctions to solitary confinement that occurred during the study period and the lengths of solitary confinement time imposed by each sanction.
- (4) The number of sanctions that occurred in combination to incarcerated individual's solitary confinement. Sanctions include taking away a person's privileges or services such as visits, packages, correspondence, phone calls, tablets, cell shields, programs, recreation, commissary, out-of-cell time, food, restitution, forfeiture of funds, loss of good time, family reunion programs, and imposed work tasks.
- (5) The number of incidents of staff uses of force inside of solitary confinement or to bring an incarcerated individual to solitary confinement, broken down by facility, unit, date of occurrence, and the level of injury to incarcerated people and staff.

(d) Detention facilities shall report the required data to the Department of Justice, with a frequency of reports determined by the department.

(e) (1) The Department of Justice shall provide a report with interim data collected pursuant to this section to the Legislature monthly, and post that monthly data publicly on its internet website, and submit a final report with the data collected in this study to the Governor and the Legislature, and post that report publicly on its website, by November 1, 2026.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

2697.3. All detention facilities shall cooperate fully with the Department of Justice for the purposes of this article and provide accurate and timely data as requested by the department.

2697.4. (a) The data collected pursuant to this article shall be used solely for the purposes of the study and policy development.

(b) Personally identifiable information shall not be disclosed in the reports or any associated publications pursuant to this article.

2697.5. This article shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.