

2026 -- H 8275

=====
LC005994
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

—————
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTIVE CONFINEMENT
OVERSIGHT ACT

Introduced By: Representatives Felix, Potter, Cruz, Batista, Sanchez, Kazarian, Kislak,
Stewart, Alzate, and Handy

Date Introduced: March 11, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 56.4

4 RESTRICTIVE CONFINEMENT OVERSIGHT ACT

5 **42-56.4-1. Definitions.**

6 As used in this chapter, unless the context indicates a different meaning or intent:

7 (1) "Basic necessities" means and includes weather-appropriate clothing and footwear;
8 adequate food in compliance with medical and religious accommodations, with no more than
9 twelve (12) hours between meals; access to drinking water and functioning sanitary fixtures; access
10 to a shower and hygienic items; bedding; and ventilation.

11 (2) "Cell" means any room, area or space that is primarily used for the confinement of
12 prisoners; or any room, area or space that is less than four hundred square feet (400 sq. ft),
13 regardless of use or purpose; or any indoor room that is solely accessible to one prisoner at a time.
14 Shared spaces whose primary purpose is congregate social interaction, education, programming,
15 rehabilitation, or physical and psychological wellness, including recreation areas, classrooms,
16 libraries, and spaces used for medical evaluation and treatment, shall not constitute "cells."

17 (3) "Department" means the department of corrections.

18 (4) "Director" means the director of the department of corrections.

1 (5) "Disciplinary confinement" means confinement of a prisoner based on violation of
2 departmental rules, whether in the general population, a specialized housing unit, or elsewhere.

3 (6) "General population" means classification to maximum, medium, or minimum security
4 with no restrictions placed on activities or privileges.

5 (7) "Member of a vulnerable population" means someone who:

6 (i) Has a serious and persistent mental illness, as defined by the department of corrections,
7 or a psychiatric disability, as defined in § 40.1-5-2;

8 (ii) Has a developmental disability, as defined in § 40.1-1-8.1;

9 (iii) Is pregnant, in the postpartum period, or has recently suffered a miscarriage or
10 terminated a pregnancy; or

11 (iv) Has a significant auditory or visual impairment, or a serious medical condition that
12 cannot be adequately treated in restrictive housing or which is medically contraindicated to
13 placement in restrictive housing.

14 (8) "Lock down" means a temporary, emergency period within the prison caused by present
15 danger or lack of staffing.

16 **42-56.4-2. Discipline -- Disciplinary confinement.**

17 (a) A prisoner placed in disciplinary confinement for up to fifteen (15) days shall receive a
18 minimum of two (2) hours out-of-cell time per day. During a facility-wide lockdown, out-of-cell
19 time may be restricted for no more than twenty-four (24) consecutive hours.

20 (b) A prisoner held in disciplinary confinement beyond fifteen (15) days shall receive a
21 minimum of three (3) hours out-of-cell time per day, with opportunity for meaningful social
22 interaction with other prisoners. Prisoners in the general population shall receive no fewer than ten
23 (10) hours out-of-cell time per day, with opportunities for meaningful social interaction.

24 (c) In any thirty (30) day period, a prisoner in disciplinary confinement shall receive at
25 least three (3) hours out-of-cell time per day for no fewer than fifteen (15) days. Under no
26 circumstances shall a prisoner receive fewer than three (3) hours out-of-cell time for more than
27 fifteen (15) days within any thirty (30) day period.

28 (d) Prisoners in disciplinary confinement shall not be denied access to basic necessities.

29 **42-56.4-3. Reporting.**

30 (a) The department of corrections shall issue a report ("annual restrictive housing report")
31 to be made publicly available on the department's website one year after the effective date of this
32 chapter and by January 31 of each year thereafter, containing the following information, broken
33 down by housing location and inmate status and classification:

34 (1) The number of prisoners in each status;

1 (2) The nature of the infractions and behaviors leading to the removal from general
2 population;

3 (3) The lengths of terms served outside of general population, including terms served
4 consecutively and cumulatively;

5 (4) The races, ethnicities, genders, and religions of all prisoners outside of general
6 population;

7 (5) The number of members of a vulnerable population outside of general population, by
8 category promulgated in the definition thereof listed in § 42-56.4-2; and

9 (6) The average weekly out-of-cell time provided to prisoners in each category
10 confinement outside of general population and the average weekly out-of-cell time provided to
11 prisoners in each category in the general population.

12 (b) The restrictive housing oversight committee, as created in § 42-26-20, may require the
13 department to publish additional information, in addition to the fields delineated by statute, in the
14 annual restrictive housing report.

15 **42-56.4-4. Declaratory judgment.**

16 (a) Any prisoner may bring an action for declaratory judgment in the superior court of
17 Providence county, when it is alleged that:

18 (1) The department of corrections or an officer thereof failed to perform a duty mandated
19 by this chapter, or acted in violation of lawful procedure as required by this chapter; or

20 (2) A department rule, or its threatened application, interferes with or impairs, or threatens
21 to interfere with or impair, the legal rights or privileges of the plaintiff under this chapter or the
22 state or federal Constitution.

23 (b) A declaratory judgment may be rendered whether or not the plaintiff has requested the
24 agency to pass upon the validity or applicability of the rule in question.

25 SECTION 2. Chapter 42-26 of the General Laws entitled "Public Safety Grant
26 Administration Office" is hereby amended by adding thereto the following section:

27 **42-26-20. Restrictive housing oversight committee.**

28 (a) There is hereby created within the public safety grant administration office, pursuant to
29 the provisions of § 42-26-7, the restrictive housing oversight committee (the "committee") for the
30 purpose of monitoring the use of restrictive housing at the department of corrections.

31 (b) The committee shall consist of the following five (5) members who shall assemble
32 annually or more often at the call of the chairperson or upon petition of a majority of its members:

33 (1) One who has been previously sentenced to spend time in restrictive housing, appointed
34 by the Black, Latino, Indigenous, Asian-American, and Pacific Islander Caucus of the general

1 assembly;

2 (2) A designee from a nonprofit organization that has a mission to advance the welfare and
3 rights of incarcerated people and who has expertise in law and a demonstrated interest in advancing
4 the rights and welfare of incarcerated persons, appointed by the speaker of the house of
5 representatives;

6 (3) A designee of the Rhode Island Chapter of the National Association of Social Workers
7 who has expertise in the provision of mental health care to incarcerated persons or formerly
8 incarcerated persons, appointed by the president of the senate;

9 (4) The Rhode Island public defender, or designee; and

10 (5) The director of the department of corrections, or designee.

11 (c) The chair of the committee shall be selected by the members of the committee.

12 (d) Of the members first appointed to the committee, two (2) members shall serve a term
13 of two (2) years, two (2) members shall serve a term of one year, and thereafter, members shall
14 serve a term of two (2) years. Members shall continue to serve until their successor is duly
15 appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner
16 as the original appointment.

17 (e) The committee shall perform the following functions:

18 (1) Appoint a restrictive housing ombudsperson (the "ombudsperson") based on whatever
19 procedure is determined by the committee;

20 (2) Review and supervise the actions of the ombudsperson;

21 (3) Meet not less than quarterly to bring matters to the ombudsperson's attention and to
22 consult on their services, findings and recommendations; and

23 (4) Convene semiannual public hearings to discuss the ombudsperson's services, findings
24 and recommendations.

25 (f) The ombudsperson shall be empowered to:

26 (1) Receive and investigate complaints related to incarcerated persons' health, safety,
27 welfare, and rights;

28 (2) Identify issues within the department of corrections related to restrictive housing;

29 (3) Ensure compliance with relevant statutes, rules, and policies pertaining to restrictive
30 housing;

31 (4) Provide information to inmates, probationers, and parolees, and their families related
32 to restrictive housing; and

33 (5) Promote public awareness and understanding of the rights and responsibilities of
34 individuals in prison and conditions related to restrictive housing.

1 (g) The ombudsperson shall conduct random biannual inspections of restrictive housing
2 areas in each facility, including cells, recreation areas, and programming spaces, and shall visit
3 different facilities on each inspection. Neither the committee nor the ombudsperson shall announce
4 an inspection to any individual or entity outside of the committee before the inspection occurs. The
5 department shall ensure full access to the facility, inmates, and staff as part of these inspections
6 consistent with this section.

7 (h) All oral and written communications, and records relating to such communications
8 between a person in the custody of the department of corrections and the ombudsperson or
9 committee including, but not limited to, the identity of a complainant, the details of the
10 communications, and the ombudsperson's findings shall be confidential and shall not be disclosed
11 without the consent of such person, except that the committee or ombudsperson may disclose
12 without the consent of such person general findings or policy recommendations based on such
13 communications; provided no individually identifiable information is disclosed.

14 (i) Notwithstanding any provision of the general laws concerning the confidentiality of
15 records and information, the ombudsperson shall have access to, including the right to inspect and
16 copy, any non-privileged records necessary to carry out their responsibilities.

17 (j) In the performance of the responsibilities included in this section, the ombudsperson
18 may communicate privately with any person in the custody of the department of corrections. Such
19 communications shall be confidential except as provided in this section.

20 (k) Members of the committee and ombudsperson shall meet with the governor and the
21 director of the department of corrections at least two (2) times each year to report on the work and
22 findings of the committee.

23 (l) A majority of the members appointed to the committee shall constitute a quorum, which
24 shall be necessary for the committee to conduct business. A majority vote of the members present
25 shall be required for action of the committee.

26 (m) The general assembly shall annually appropriate such sums as it may deem necessary
27 for the payment of any ombudsperson's salary and for the payment of office expenses and other
28 actual expenses incurred by the committee or any ombudsperson's in the performance of their
29 duties; and the state controller is hereby authorized and directed to draw their orders upon the
30 general treasurer for the payment of such sum or sums, or so much thereof, as may from time to
31 time be required, upon receipt by them of properly authenticated vouchers approved by any
32 ombudsperson's or committee.

1 SECTION 3. This act shall take effect on July 25, 2026.

=====
LC005994
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTIVE CONFINEMENT
OVERSIGHT ACT

1 This act would establish the restrictive housing oversight committee ("committee") for the
2 purpose of monitoring the use of restrictive housing ("solitary confinement"), as well as disciplinary
3 and administrative confinement at the department of corrections. This act would also authorize the
4 committee to hire an ombudsperson to assist it in its oversight duties.

5 This act would take effect on July 25, 2026.

=====
LC005994
=====