

2026 South Dakota Legislature

House Bill 1276**AMENDMENT 1276A
FOR THE INTRODUCED BILL**

1 **An Act to establish policies and procedures for the use of solitary confinement in a**
2 **juvenile facility.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

5 Terms used in this chapter mean:

6 (1) "Juvenile facility," any:

7 ~~(a) Facility where a juvenile committed to the Department of Corrections is placed~~
8 ~~pursuant to § 26-11A-8;~~

9 ~~(b) Detention detention facility, as defined by § 26-7A-1; and~~

10 ~~(c) Other, or other facility operated by the state or a political subdivision of the state~~
11 ~~for the secure detention of juvenile offenders;~~

12 (2) "Solitary confinement," the involuntary placement of a juvenile alone in a cell,
13 room, or other area, except during regularly scheduled sleeping hours; and

14 (3) "Qualified mental health professional," as defined by § 27A-1-3.

15 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

16 The use of solitary confinement at a juvenile facility for administrative convenience,
17 discipline, punishment, retaliation, or for any reason other than as a temporary response
18 to a juvenile's behavior that poses a serious and immediate risk of physical harm to self
19 or others, is prohibited.

20 All instances of solitary confinement must be reviewed immediately and approved
21 or ended by the juvenile facility director, deputy director, or the supervisor with the
22 highest level of authority who is present at the juvenile facility at the time the juvenile is
23 placed in solitary confinement.

24 **Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

1 Solitary confinement may not be used before other less restrictive techniques have
2 been attempted and exhausted, unless the techniques would pose a threat to the safety
3 of ~~the juvenile who may be placed in solitary confinement or~~ any other juvenile or staff.
4 All techniques utilized pursuant to this section must be documented, along with an
5 explanation as to why solitary confinement was ultimately deemed necessary.

6 **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

7 A juvenile placed in solitary confinement pursuant to section 2 of this Act must be
8 released upon regaining sufficient control so as to no longer engage in behavior that poses
9 a serious and immediate risk of physical harm to self or others, as determined by an
10 interdisciplinary team. The interdisciplinary team must include:

11 (1) A juvenile facility administrator ~~or shift supervisor~~;

12 (2) A licensed health care provider ~~or qualified mental health professional~~; and

13 (3) ~~A qualified mental health professional~~;

14 (4) ~~A shift supervisor at the juvenile facility~~; and

15 (5) ~~A case manager for the juvenile.~~

16 If the juvenile is held in solitary confinement for more than twenty-four hours, the
17 interdisciplinary team must assess the juvenile to determine an appropriate plan to
18 reintegrate the juvenile into the general population as soon as possible. The assessment
19 must take place no later than two business days after the date on which a juvenile is
20 placed in solitary confinement.

21 If the juvenile remains in solitary confinement beyond seven consecutive days, the
22 interdisciplinary team must, on a weekly basis, reassess the juvenile to determine if
23 adjustments to the reintegration plan are necessary.

24 **Section 5. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

25 Juvenile facility staff shall perform in-person observation of a juvenile in solitary
26 confinement at least every fifteen minutes, and shall otherwise continuously monitor the
27 juvenile in solitary confinement using electronic video monitoring.

28 Within the first twelve hours of solitary confinement and every twelve hours
29 thereafter, a qualified mental health professional shall speak to the juvenile to help the
30 juvenile de-escalate and exit solitary confinement as soon as possible.

31 **Section 6. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

1 No later than one business day after the date when a juvenile is placed in solitary
2 confinement, the director of the juvenile facility shall provide notice of the juvenile's
3 placement in solitary confinement to the juvenile's parent or legal guardian and the
4 attorney of record for the juvenile.

5 **Section 7. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

6 A room used for solitary confinement must have adequate and operational lighting,
7 heating and cooling, and ventilation for the comfort of the juvenile. The room must be
8 clean and resistant to suicide and self-harm.

9 **Section 8. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

10 A juvenile placed in solitary confinement must have access to:
11 (1) Appropriate medical and mental health services, which must be provided promptly
12 as needed;
13 (2) Bathroom facilities;
14 (3) Contact with parents or legal guardians;
15 (4) Drinking water;
16 (5) Educational programming;
17 (6) Legal assistance;
18 (7) A mattress;
19 (8) Meals; and
20 (9) Reading and writing materials.

21 **Section 9. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

22 Every instance of solitary confinement must be documented electronically.
23 Documentation of solitary confinement must include:
24 (1) The date of the juvenile's placement in solitary confinement;
25 (2) The age, disability status, ethnicity, gender, and race of the juvenile;
26 (3) The reason for the juvenile's placement in solitary confinement;
27 (4) An explanation of why the use of less restrictive techniques prior to the juvenile's
28 placement in solitary confinement was unsuccessful;
29 (5) The ultimate duration of the juvenile's solitary confinement;
30 (6) Facility staffing levels at the time the juvenile was placed in solitary confinement;

1 (7) Any attempts at or incidents of self-harm or suicide committed by the juvenile
2 while in solitary confinement; and

3 (8) Where the juvenile was placed after the juvenile's release from solitary
4 confinement.

5 De-identified data on the frequency and length of time that a juvenile spends in
6 solitary confinement must be available upon request as a public record.

7 **Section 10. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

8 A juvenile shall receive a verbal or written explanation of the solitary confinement
9 policy of the juvenile facility promptly upon arrival at the juvenile facility. Information on
10 the solitary confinement policy must be communicated to the juvenile's parents or legal
11 guardians through the most direct means possible, within twenty-four hours of the
12 juvenile's arrival at the juvenile facility.

13 **Section 11. That a NEW SECTION be added to a NEW CHAPTER in title 26:**

14 All juvenile facility staff shall receive education on the appropriate use of solitary
15 confinement during initial training and subsequently at regular intervals. All juvenile
16 facility staff must demonstrate proficiency with decisions regarding when and how to use
17 solitary confinement before completing their initial training and on an annual basis.