

Closing the Door on Solitary Confinement

The use of solitary confinement of juveniles is being reassessed, as questions about its dangers grow. This form of punishment can include physical and social isolation in a cell for 22 to 24 hours a day, which can lead to depression, anxiety, psychosis and psychological and developmental harm, according to the American Academy of Child and Adolescent Psychiatry. Research also shows that more than half of all suicides in juvenile facilities occur while young people are held in isolation.

Proponents argue the use of isolation is an effective disciplinary measure that is necessary for the safety of staff and other juveniles, and for the security of the institution.



Nine state legislatures have passed new limits or prohibitions against the practice. Alaska, Connecticut, Maine, Nevada, New Jersey, New York, Oklahoma, West Virginia and Texas have passed laws, and measures have been introduced in California, Florida and Montana in the past two years.

The New Jersey law prohibits “room confinement” for more than two consecutive days for 15-year-olds, three days for those up to age 17 and five days for those older than 18. Other laws, such as Connecticut’s, prohibit any child from being held in solitary confinement at any time, but allow the use of “seclusion” periodically, as long as the young person is checked every 30 minutes.

At the federal level, a bipartisan group of senators introduced the Sentencing Reform and Corrections Act last October that, for the first time in decades, proposes significant changes to federal criminal and juvenile justice laws. If passed, it would limit the use of solitary confinement to situations in which a young person poses a serious and immediate threat of physical harm to himself or herself, or to others, and then only for periods of no more than three hours. The bill has passed out of the Senate Judiciary Committee. The

Juvenile Justice Information Exchange, last December, also called for an end to solitary confinement of young people, citing its damaging effects on kids

Elsewhere, the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) revised its standards to prohibit the use of room confinement for discipline, punishment, administrative convenience, retaliation, staffing shortages or reasons other than as a temporary response to behavior that threatens immediate harm to a young person or others.

The Council of Juvenile Correctional Administrators has produced a toolkit on reducing isolation that includes an overview and definitions of the issues, a summary of the research and steps to take to limit its use. The council is also providing intensive technical assistance to help states reduce their use of isolation in youth facilities.

The issue continues to gain steam, making it likely that state legislatures will continue to study and address the impact of the practice as lawmakers seek to ensure the appropriateness of detention conditions for young people.

—Anne Teigen and Sarah Brown

REAL ID Gets Real

The U.S. Department of Homeland Security released an updated timeline earlier this year for the final phase of REAL ID. Beginning Jan. 22, 2018, passengers with a driver's license issued by a state that is still not compliant with the REAL ID Act and has not been granted an extension will need to show an alternative form of acceptable identification for domestic air travel. Starting on Oct. 1, 2020, every traveler will need a REAL ID-compliant license or another acceptable form of identification to fly domestically.

Currently, the Department of Homeland Security recognizes 22 states and the District of Columbia as fully compliant. Most of the remaining states and territories have received an extension through Oct. 10, 2016. Several states are noncompliant. The department continues to grant one-year extensions, which may be renewed if a state demonstrates continued progress toward compliance.

Along the Road to Compliance

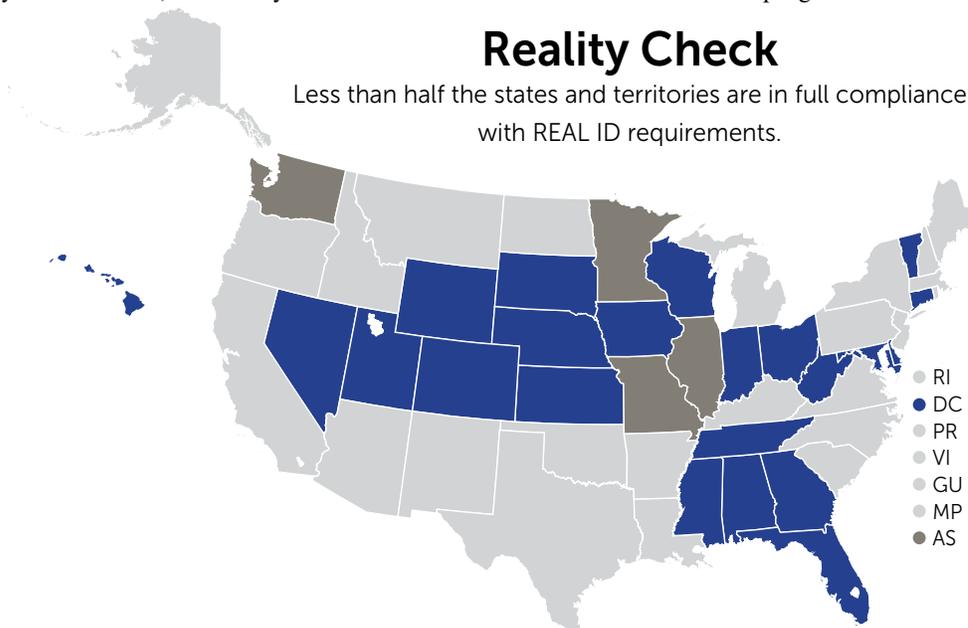
- Fully compliant
- Operating under an extension
- Not compliant

Note: In addition, Michigan, Minnesota, New York, Vermont and Washington issue enhanced driver's licenses (EDL) to citizens as an acceptable document for entering the country from Canada, Mexico and Caribbean nations. EDLs are considered to be REAL ID compliant.

Source: NCSL, March 1, 2016.

Reality Check

Less than half the states and territories are in full compliance with REAL ID requirements.



Which States Best Typify U.S.?

In election years, some question the outsized influence of the early primary states. Is it fair that some campaigns never make it beyond Iowa or New Hampshire? How representative of the entire U.S. population are those states—or any state, for that matter? That's the question addressed in the recent report "Electorate Representation Index: Which States Most Closely Resemble the U.S.?"

To determine which states most closely resemble the sociodemographic anatomy of the United States, analysts with the personal finance website Wallet Hub compared statistics from each of the states with the entire U.S. in five categories—sociodemographics, economy, education, religion and public opinion. Here are a few of the results.

States That Most Resemble the U.S. Average

Overall: Illinois, Florida, Michigan, Arizona, Pennsylvania

By education: North Carolina, Georgia, Illinois, Rhode Island, Florida

By public opinion: Michigan, Florida, Pennsylvania, Illinois, Iowa

States That Least Resemble the U.S. Average

Overall: Maine, Tennessee, Arkansas, New Hampshire, Utah

By education: Colorado, Wyoming, Massachusetts, Utah, West Virginia

By public opinion: Wyoming, Massachusetts, Mississippi, Vermont, Alabama

➔ Go to ncsl.org/magazine to read the full report.



States Act on Remote Sales Tax

Frustrated by Congress' unwillingness to act on remote sales tax collection, a group of lawmakers, with support from the National Conference of State Legislatures, is encouraging states to take action in their own legislative chambers to solve the problem.

At issue is the unfair tax advantage out-of-state retailers have over brick-and-mortar shops. The Supreme Court ruled in a 1992 case that a state cannot require out-of-state retailers to collect sales taxes from consumers unless the company has either property or employees in the state. The court reasoned that it was too complicated for sellers to comply with the various sales tax systems of every state where they made sales.

States responded with the Streamlined Sales Tax Project to simplify and modernize sales and use tax administration among the states. To date, 24 states have signed on to the project's Streamlined Sales and Use Tax Agreement, which has collected more than \$1 billion from voluntary sellers since going into effect in 2005.

Still, the revenue lost is substantial. In 2008, states went without an estimated \$18 billion in uncollected taxes from out-of-state sales, \$7.7 billion of which were from online sales, according to NCSL research. That figure climbed to about \$23 billion in 2012, with almost half of that coming from Internet transactions.

The Marketplace Fairness Act of 2013 would have closed the tax loophole by providing states that complied with certain simplification requirements the authority to collect the taxes they are owed. The U.S. Senate passed the measure by a substantial bipartisan margin. But because of opposition in the U.S. House, it has languished for more than 21 months in the House Judiciary Committee without receiving a hearing. The committee also has failed to consider a more substantive legislative proposal introduced by U.S. Representative Jason Chaffetz (R) of Utah, the Remote Transactions Parity Act.

Now, a group of state legislators believes it's time to act. NCSL President and Utah Senator Curt Bramble (R) is leading a national drive to encourage lawmakers to pass legislation requiring companies to collect taxes on Internet sales and remit them to the states. He estimates Utah is losing between \$80 million and \$350 million in tax revenue annually. The legislators worked with NCSL's Task Force on State and Local Taxation to produce a package of legislative proposals. Broadly, the group's goals include:

- Enacting legislation with the intent of reversing the Supreme Court's 1992 *Quill* decision.
- Expanding the types of businesses states can require to collect and remit taxes.
- Expanding collection requirements to marketplace providers.
- Expanding state reporting and registration requirements.

Taken together, these suggested measures are intended to solve a decades-old problem. Whether Congress acts or the Supreme Court rules, states will continue to work toward a solution.

—Kevin Frazzini