

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1530

4  
5 By: Representative Gazaway  
6

## For An Act To Be Entitled

8 AN ACT TO COLLECT DATA CONCERNING THE USE OF SOLITARY  
9 CONFINEMENT OR SEGREGATION IN THE DEPARTMENT OF  
10 CORRECTION; AND FOR OTHER PURPOSES.  
11

### Subtitle

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14 TO COLLECT DATA CONCERNING THE USE OF  
15 SOLITARY CONFINEMENT OR SEGREGATION IN  
16 THE DEPARTMENT OF CORRECTION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. DO NOT CODIFY. Legislative findings.

22 (a) The General Assembly finds that the use of solitary confinement or  
23 segregation is an administrative extension of punishment that should be  
24 within the jurisdiction of the General Assembly and the General Assembly  
25 should know exactly for what reasons and how this administrative extension is  
26 being used.

27 (b) It is currently unknown how much money the State of Arkansas can  
28 save by reducing the use of solitary confinement or segregation. Other states  
29 have shown substantial cost-saving in doing so. Mississippi, for instance,  
30 saved over five million dollars (\$5,000,000) by reducing the use of solitary  
31 confinement or segregation.

32 (c) The General Assembly finds that the Department of Correction  
33 should be accountable to the General Assembly and the public about the use of  
34 solitary confinement or segregation and the spending of the department's  
35 resources for this use.  
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1 SECTION 2. Arkansas Code Title 12, Chapter 28, Subchapter 1, is  
2 amended to add an additional section to read as follows:

3 12-28-108. Punitive segregation – Definitions.

4 As used in this chapter:

5 (1) "Delusion" means a fixed, clearly false belief;

6 (2) "Disability" means a physical or mental condition that  
7 limits a person's movements, senses, or activities;

8 (3) "Hallucination" means a clearly erroneous perception of  
9 reality;

10 (4) "Mental health professional" means:

11 (A) An independent psychiatrist or psychologist licensed  
12 by the Arkansas State Medical Board or the Arkansas Psychology Board as a  
13 health service provider in psychiatry or psychology and experienced in the  
14 diagnosis and treatment of persons with a serious mental illness;

15 (B) A licensed master social worker; or

16 (C) A certified social worker who is licensed by the  
17 Arkansas Social Work Licensing Board;

18 (5) "Segregation" means a type of detention that involves the  
19 removal of a person from the general inmate population, including solitary  
20 confinement, whether voluntary or involuntary, in which the person is placed  
21 in a locked room or cell for approximately twenty-two (22) hours or more out  
22 of a twenty four-hour period;

23 (6) "Serious mental illness" means one (1) or more of the  
24 following disorders as classified in the American Psychiatric Association's  
25 Diagnostic and Statistical Manual of Mental Disorders as it existed on  
26 January 1, 2019:

27 (A) A disorder categorized under the schizophrenia  
28 spectrum and other psychotic disorders;

29 (B) Bipolar disorder;

30 (C) Major depressive disorder;

31 (D) Delusional disorder;

32 (E) Post-traumatic stress disorder; and

33 (F) Traumatic brain injury; and

34 (7) "Suicide" means the act or an instance of taking one's own  
35 life voluntarily and intentionally.

36 (b) The Department of Correction, the Division of Youth Services, and

1 all local and regional detention facilities shall submit a quarterly report  
 2 in addition to any other report required by law to the Legislative Council  
 3 showing:

4 (1) The number of persons disciplined or transferred to  
 5 segregation during the prior quarter, including the following information  
 6 concerning those persons:

7 (A) Racial composition;

8 (B) Gender;

9 (C) The number of persons:

10 (i) Paroled directly from segregation; and

11 (ii) In segregation:

12 (a) Due to protective custody;

13 (b) Who are pregnant;

14 (c) Who are twenty-one (21) years of age or  
 15 younger;

16 (d) Who are fifty-five (55) years of age or  
 17 older;

18 (e) With a serious mental illness, and what  
 19 the diagnosis for the person is;

20 (f) With a mental illness, and what the  
 21 diagnosis for the person is;

22 (g) With a disability;

23 (h) Who have requested reasonable  
 24 accommodation for a disability; and

25 (i) Who have received a requested reasonable  
 26 accommodation for a disability; and

27 (D) The number of:

28 (i) Suicides, and the methods of suicide used by  
 29 persons housed in segregation;

30 (ii) Suicides attempted by persons housed in  
 31 segregation;

32 (iii) Mental health professionals who work directly  
 33 with persons in segregation;

34 (iv) Persons released from segregation due to mental  
 35 decomposition;

36 (v) Persons transferred to outside hospitals or

1 psychiatric units from segregation;

2 (vi) Persons placed on mental health watch while in  
 3 segregation;

4 (vii) Staff assigned to segregation;

5 (viii) Confidential mental health treatment  
 6 appointments requested and approved and confidential mental health treatments  
 7 attended by persons in segregation;

8 (ix) Violent incidents involving a person housed in  
 9 segregation and department personnel;

10 (x) Deaths and the cause of death for persons housed  
 11 in segregation;

12 (xi) Persons in segregation due to a disciplinary  
 13 infraction, categorized by type of disciplinary infraction as follows:

14 (a) Violence to self;

15 (b) Violence to others;

16 (c) Possession of nonpornographic contraband;

17 (d) Possession of drug-related contraband;

18 (e) Masturbation;

19 (f) Sex with another person;

20 (g) Possession of pornographic contraband; and

21 (h) Other disciplinary infraction not set out  
 22 under this subdivision (b)(1)(D)(xi); and

23 (xii) Persons in segregation who spent time outside  
 24 his or her cell for recreational purpose; and

25 (2)(A) The average and median length of stay for persons housed  
 26 in segregation.

27 (B) Information under subdivision (b)(2)(A) of this  
 28 section shall also include persons who have been housed in segregation for  
 29 longer than three (3) months.

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 31 SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE.

32 The initial report required under § 12-28-108 shall be completed on or  
 33 before October 1, 2019.