

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1755

5 By: Representatives Scott, Gazaway
6 By: Senators Elliott, A. Clark
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE PUNITIVE ISOLATION OR SOLITARY
10 CONFINEMENT OF INDIVIDUALS WHO ARE UNDER EIGHTEEN
11 (18) YEARS OF AGE; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING THE PUNITIVE ISOLATION OR
16 SOLITARY CONFINEMENT OF INDIVIDUALS WHO
17 ARE UNDER EIGHTEEN (18) YEARS OF AGE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended
23 to add an additional section to read as follows:

24 9-27-371. Punitive isolation or solitary confinement of juveniles.

25 (a) As used in this section:

26 (1) "Punitive isolation" means the placement of a juvenile in a
27 location that is separate from the general population as a punishment; and

28 (2) "Solitary confinement" means the isolation of a juvenile in
29 a cell separate from the general population as a punishment.

30 (b) A juvenile who has been placed or detained in a juvenile detention
31 facility shall not be placed in punitive isolation or solitary confinement as
32 a disciplinary measure for more than twenty-four (24) hours unless the:

33 (1) Placement of the juvenile in punitive isolation or solitary
34 confinement is due to:

35 (A) A physical or sexual assault committed by the juvenile
36 while in the juvenile detention facility;



1 (B) Conduct of the juvenile that poses an imminent threat
2 of harm to the safety or well-being of the juvenile, the staff, or other
3 juveniles in the juvenile detention facility; or

4 (C) The juvenile escaping or attempting to escape from the
5 juvenile detention facility; and

6 (2)(A) Director of the juvenile detention facility provides
7 written authorization to place the juvenile in punitive isolation or solitary
8 confinement for more than twenty-four (24) hours.

9 (B) The director of the juvenile detention facility shall
10 provide the written authorization described in subdivision (2)(A) of this
11 section for every twenty-four-hour period during which the juvenile remains
12 in punitive isolation or solitary confinement after the initial twenty-four
13 (24) hours.

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15 SECTION 2. Arkansas Code Title 12, Chapter 29, is amended to add an
16 additional section to read as follows:

17 12-29-117. Punitive isolation or solitary confinement of inmates who
18 are minors.

19 (a) As used in this section:

20 (1) "Minor" means a person who is under eighteen (18) years of
21 age;

22 (2) "Punitive isolation" means the placement of a minor in a
23 location that is separate from the general population as a punishment; and

24 (3) "Solitary confinement" means the isolation of a minor in a
25 cell separate from the general population as a punishment.

26 (b) A minor who is an inmate at a state correctional facility shall
27 not be placed in punitive isolation or solitary confinement as a disciplinary
28 measure for more than twenty-four (24) hours unless the:

29 (1) Placement of the minor in punitive isolation or solitary
30 confinement is due to:

31 (A) A physical or sexual assault committed by the minor
32 while in the state correctional facility;

33 (B) Conduct of the minor that poses a direct threat to the
34 safety of a person or a clear threat to the safe and secure operation of the
35 state correctional facility; or

36 (C) The minor escaping or attempting to escape from the

1 state correctional facility; and

2 (2)(A) Warden of the state correctional facility or his or her
3 designee provides written authorization to place the minor in punitive
4 isolation or solitary confinement for more than twenty-four (24) hours.

5 (B) The warden of the state correctional facility or his
6 or her designee shall provide the written authorization described in
7 subdivision (b)(2)(A) of this section for every twenty-four-hour period
8 during which the minor remains in solitary confinement after the initial
9 twenty-four (24) hours.

10 (c) The Board of Corrections shall retain the authority to govern and
11 supervise the administration of the responsibilities of the board before the
12 effective date of this act, including without limitation the administration
13 of the state penal institutions under Arkansas Constitution, Amendment 33.

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15 /s/Scott
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