

Stricken language would be deleted from and underlined language would be added to present law.
Act 971 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1755

By: Representatives Scott, Gazaway

By: Senators Elliott, A. Clark

For An Act To Be Entitled

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

Subtitle

*CONCERNING THE PUNITIVE ISOLATION OR
SOLITARY CONFINEMENT OF INDIVIDUALS WHO
ARE UNDER EIGHTEEN (18) YEARS OF AGE.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended to add an additional section to read as follows:

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

(a) As used in this section:

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

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

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

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

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



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

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

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

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

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

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

(a) As used in this section:

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

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

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

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

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

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

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

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

state correctional facility; and

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

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

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

/s/Scott

APPROVED: 4/12/19