

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1887

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO COLLECT DATA REGARDING THE USE OF SOLITARY  
CONFINEMENT IN ARKANSAS PRISONS AND JAILS; AND FOR  
OTHER PURPOSES.

### Subtitle

TO COLLECT DATA REGARDING THE USE OF  
SOLITARY CONFINEMENT IN ARKANSAS PRISONS  
AND JAILS.

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

SECTION 1. Arkansas Code Title 12, Chapter 1, is amended to add an additional section to read as follows:

12-1-103. Inmate segregation data collection – Definitions.

(a) As used in this section:

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

(2) "Serious mental illness" means one (1) or more of the following disorders as classified in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as it existed on January 1, 2021:

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

(B) Bipolar disorder;



- (C) Major depressive disorder;
- (D) Delusional disorder;
- (E) Post-traumatic stress disorder; and
- (F) Traumatic brain injury; and

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

(b) In addition to any other report required by law, the Department of Corrections, the Division of Youth Services, and all local and regional detention facilities shall submit a quarterly report to the Legislative Council showing the number of persons disciplined or transferred to segregation during the prior quarter, including the following information concerning those persons:

- (1) Racial composition;
- (2) Gender;
- (3) The number of persons:
  - (A) Who are in protective custody;
  - (B) Who are twenty-one (21) years of age or younger;
  - (C) Who are fifty-five (55) years of age or older; and
  - (D) With a serious mental illness;
- (4) The number of:
  - (A) Suicides; and
  - (B) Suicides attempted by persons housed in segregation;
- (5) The number of persons who died while in segregation;
- (6) The number of persons who are in segregation for:
  - (A) Fifteen (15) to thirty (30) days;
  - (B) Thirty-one (31) to ninety (90) days;
  - (C) Ninety-one (91) to one hundred eighty (180) days;
  - (D) One hundred eighty-one (181) days to three hundred sixty-five (365) days;
  - (E) One (1) to three (3) years;
  - (F) Three (3) to six (6) years; and
  - (G) More than six (6) years;
- (7) The number of persons in segregation due to a disciplinary infraction; and
- (8) The number of persons in segregation due to a disciplinary infraction, categorized by type of disciplinary infraction as follows:

(A) Violence to self;  
(B) Violence to others;  
(C) Possession of drug-related contraband;  
(D) Masturbation or indecent exposure;  
(E) Sex with another person;  
(F) Failure to obey order of staff;  
(G) Refusing a direct verbal order;  
(H) Verbal or written assault or threat;  
(I) Insolence to a staff member;  
(J) Use of force on an inmate;  
(K) Creating unnecessary noise;  
(L) Out of place of assignment;  
(M) Refusal to submit to testing;  
(N) Possession or introduction of drugs;  
(O) Unauthorized use of state property;  
(P) Keep person or quarters with regulation;  
(Q) Possession, introduction, or use of a cell phone;  
(R) Possession or introduction of fireworks;  
(S) Use of drugs, alcohol, or chemicals;  
(T) Unexcused absence from work or school;  
(U) Banding together or demonstration;  
(V) Provoking or agitating a fight;  
(W) Possession or introduction of prohibited clothing;  
(X) Lying to a staff member;  
(Y) Destruction of property;  
(Z) Use of force on staff;  
(AA) Throwing or ejecting of bodily fluids or excrement;  
(BB) Purchase of unauthorized articles; or  
(CC) Other disciplinary infractions not set out under this  
subdivision (b)(8).

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE.

The first report required under Section 1 of this act shall be completed on or before October 1, 2021.