

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 461

By: Senator J. Scott

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 25, is amended to read as follows:

Chapter 25

~~Public Hearing Prior to Location of Community Based Residential Facilities~~
General Provisions

SECTION 2. Arkansas Code Title 12, Chapter 25, is amended to add an additional section to read as follows:

12-25-102. Punitive segregation report – Definitions.

(a) As used in this chapter:

(1) “Segregation” means any type of detention, whether voluntary or involuntary, that involves:

(A) The removal of a person from the general inmate population;

(B) A restriction of access to a program or service provided by the correctional facility;



(C) A restriction or prohibition of interaction with other incarcerated people;

(D) A loss of out-of-cell time or other condition of confinement; or

(E) Involves being placed in a locked room or cell for seventeen (17) hours or more in a twenty-four (24) hour period;

(2) "Serious mental illness" means one 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, 2025:

(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 of taking one's own life voluntarily and intentionally.

(b) 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 that includes:

(1) The number of persons disciplined with, held in, or transferred to segregation during the prior quarter, including the following information concerning those persons:

(A) Racial composition;

(B) Gender;

(C) The number of persons:

(i) That are in protective custody;

(ii) Who are twenty-one (21) years of age or younger;

(iii) Who are fifty-five (55) years of age or older;

(iv) With a serious mental illness;

(v) That are pregnant or were pregnant within the previous twelve (12) weeks;

(vi) With a disability, broken down by type of

disability; and

(vii) With a medical condition, categorized by type

of condition;

(D) The number of:

(i) Suicides;

(ii) Attempted suicides by persons housed in segregation;

(iii) Incidents of self-harm by persons housed in segregation; and

(iv) Persons who died while in segregation, broken down by cause of death;

(E) The number of persons in segregation currently who have already been in segregation for:

(i) Less than one (1) day but not more than fifteen (15) days;

(ii) At least (16) days, but not more than thirty (30) days;

(iii) At least thirty-one (31) days, but not more than ninety (90) days;

(iv) At least ninety-one (91) days, but not more than one hundred eighty (180) days;

(v) At least one hundred eighty-one (181) days, but not more than one (1) year;

(vi) At least one (1) year and one (1) day, but not more than three (3) years;

(vii) At least three (3) years and (1) day, but not more than six (6) years; and

(viii) Six (6) years and one (1) day or more; and

(F) The number of persons who are or have been sentenced to or otherwise scheduled to be in segregation for a total of:

(i) Less than one (1) day but not more than fifteen (15) days;

(ii) At least (16) days, but not more than thirty (30) days;

(iii) At least thirty-one (31) days, but not more than ninety (90) days;

(iv) At least ninety-one (91) days, but not more than one hundred eighty (180) days;

(v) At least one hundred eighty-one (181) days, but not more than one (1) year;

(vi) At least one (1) year and one (1) day, but not more than three (3) years;

(vii) At least three (3) years and (1) day, but not more than six (6) years; and

(viii) Six (6) years and one (1) day or more;

(2) The number of times segregation has been used as a sanction, punishment, or disciplinary action during the prior quarter, including extensions of segregation;

(3) The total number of sanctions, punishments, or disciplinary actions taken other than segregation during the prior quarter, including without limitation:

(A) Loss of any privilege;

(B) Loss of or reduction in classification;

(C) Loss of or demotion in a job or position at the division; and

(D) Restitution;

(4) The number of persons disciplined with, held in, or transferred to segregation during the prior quarter due to:

(A) One (1) or more disciplinary infraction;

(B) Administrative reasons;

(C) Protective custody; or

(D) Other reasons to be listed in the report by type; and

(5) Of the persons disciplined with, held in, or transferred to segregation during the prior quarter due to one (1) or more disciplinary infraction as described in subdivision (b)(4)(A) of this section, the type of disciplinary infraction, including without limitation:

(A) Violence to self;

(B) Violence to another;

(C) Possession of drug-related contraband;

(D) Masturbation or indecent exposure;

(E) Sex with another person;

(F) Failure to obey an order of a staff member;

(G) Refusing a direct verbal order;
(H) Threatening another verbally or in writing;
(I) Insolence to a staff member;
(J) Battery or 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 use of controlled substances, alcohol,
or chemicals;
(O) Unauthorized use of state property;
(P) Failure to keep himself or herself or his or her
quarters within regulation;
(Q) Possession, introduction, or use of a cell phone;
(R) Possession or introduction of fireworks;
(S) Unexcused absence from a work or learning assignment;
(T) Banding together or demonstration;
(U) Provoking or agitating a fight;
(V) Possession or introduction of unauthorized clothing;
(W) Lying to a staff member;
(X) Destruction of property;
(Y) Battery or use of force on staff;
(Z) Throwing or ejecting of bodily fluids or excrement;
(AA) Purchase of unauthorized articles; or
(BB) Other disciplinary infractions not listed under this
subdivision (b)(5), broken down by type of disciplinary infraction.

SECTION 3. DO NOT CODIFY. Temporary Language.

The initial report required under § 12-25-102 shall be completed by
October 1, 2025.