

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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18 **APPROVED: 4/12/19**  
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