

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 461

5 By: Senator J. Scott
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7

For An Act To Be Entitled

9 AN ACT TO COLLECT DATA REGARDING THE USE OF SOLITARY
10 CONFINEMENT IN ARKANSAS PRISONS AND JAILS; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO COLLECT DATA REGARDING THE USE OF
16 SOLITARY CONFINEMENT IN ARKANSAS PRISONS
17 AND JAILS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 12, Chapter 25, is amended to read as
22 follows:

Chapter 25

24 ~~Public Hearing Prior to Location of Community Based Residential Facilities~~
25 General Provisions
26

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

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

30 (a) As used in this chapter:

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

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

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



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

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

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

7 (2) "Serious mental illness" means one of the following
 8 disorders as classified in the American Psychiatric Association's
 9 Diagnostic and Statistical Manual of Mental Disorders as it existed on
 10 January 1, 2025:

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

13 (B) Bipolar disorder;

14 (C) Major depressive disorder;

15 (D) Delusional disorder;

16 (E) Post-traumatic stress disorder; and

17 (F) Traumatic brain injury; and

18 (3) "Suicide" means the act of taking one's own life voluntarily
 19 and intentionally.

20 (b) The Department of Corrections, the Division of Youth Services, and
 21 all local and regional detention facilities shall submit a quarterly report
 22 to the Legislative Council that includes:

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

26 (A) Racial composition;

27 (B) Gender;

28 (C) The number of persons:

29 (i) That are in protective custody;

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

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

33 (iv) With a serious mental illness;

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

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

1 disability; and
2 (vii) With a medical condition, categorized by type
3 of condition;
4 (D) The number of:
5 (i) Suicides;
6 (ii) Attempted suicides by persons housed in
7 segregation;
8 (iii) Incidents of self-harm by persons housed in
9 segregation; and
10 (iv) Persons who died while in segregation, broken
11 down by cause of death;
12 (E) The number of persons in segregation currently who
13 have already been in segregation for:
14 (i) Less than one (1) day but not more than fifteen
15 (15) days;
16 (ii) At least (16) days, but not more than thirty
17 (30) days;
18 (iii) At least thirty-one (31) days, but not more
19 than ninety (90) days;
20 (iv) At least ninety-one (91) days, but not more
21 than one hundred eighty (180) days;
22 (v) At least one hundred eighty-one (181) days, but
23 not more than one (1) year;
24 (vi) At least one (1) year and one (1) day, but not
25 more than three (3) years;
26 (vii) At least three (3) years and (1) day, but not
27 more than six (6) years; and
28 (viii) Six (6) years and one (1) day or more; and
29 (F) The number of persons who are or have been sentenced
30 to or otherwise scheduled to be in segregation for a total of:
31 (i) Less than one (1) day but not more than fifteen
32 (15) days;
33 (ii) At least (16) days, but not more than thirty
34 (30) days;
35 (iii) At least thirty-one (31) days, but not more
36 than ninety (90) days;

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

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

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

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

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

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

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

16 (A) Loss of any privilege;

17 (B) Loss of or reduction in classification;

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

20 (D) Restitution;

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

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

24 (B) Administrative reasons;

25 (C) Protective custody; or

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

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

31 (A) Violence to self;

32 (B) Violence to another;

33 (C) Possession of drug-related contraband;

34 (D) Masturbation or indecent exposure;

35 (E) Sex with another person;

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

- 1 (G) Refusing a direct verbal order;
- 2 (H) Threatening another verbally or in writing;
- 3 (I) Insolence to a staff member;
- 4 (J) Battery or use of force on an inmate;
- 5 (K) Creating unnecessary noise;
- 6 (L) Out of place of assignment;
- 7 (M) Refusal to submit to testing;
- 8 (N) Possession or use of controlled substances, alcohol,
- 9 or chemicals;
- 10 (O) Unauthorized use of state property;
- 11 (P) Failure to keep himself or herself or his or her
- 12 quarters within regulation;
- 13 (Q) Possession, introduction, or use of a cell phone;
- 14 (R) Possession or introduction of fireworks;
- 15 (S) Unexcused absence from a work or learning assignment;
- 16 (T) Banding together or demonstration;
- 17 (U) Provoking or agitating a fight;
- 18 (V) Possession or introduction of unauthorized clothing;
- 19 (W) Lying to a staff member;
- 20 (X) Destruction of property;
- 21 (Y) Battery or use of force on staff;
- 22 (Z) Throwing or ejecting of bodily fluids or excrement;
- 23 (AA) Purchase of unauthorized articles; or
- 24 (BB) Other disciplinary infractions not listed under this
- 25 subdivision (b)(5), broken down by type of disciplinary infraction.

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27 SECTION 3. DO NOT CODIFY. Temporary Language.

28 The initial report required under § 12-25-102 shall be completed by

29 October 1, 2025.

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