

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/21/01

A Bill

Act 1807 of 2001
HOUSE BILL 1544

5 By: Representative Napper
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For An Act To Be Entitled

9 AN ACT PERTAINING TO THE JURISDICTION OF
10 MUNICIPAL COURTS TO INCARCERATE JUVENILE
11 DEFENDANTS; AND FOR OTHER PURPOSES.

Subtitle

13 AN ACT PERTAINING TO THE JURISDICTION OF
14 MUNICIPAL COURTS TO INCARCERATE JUVENILE
15 DEFENDANTS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Limitation of the incarceration of juvenile defendants in
21 municipal courts.

22 (a) Municipal courts have jurisdiction of juvenile defendants for
23 violation of local codes or ordinances, game and fish violations and traffic
24 offenses. Juveniles charged with these offenses are subject to the same
25 penalties as adults unless otherwise provided herein.

26 (b) A juvenile subject to the jurisdiction of a municipal court shall
27 not be incarcerated unless the juvenile commits a second offense for which the
28 court has jurisdiction within one (1) year of the first offense, willfully
29 violates probation, or willfully fails to pay a fine, perform community
30 service work or other sanction properly ordered by the court.

31 (c) As an alternative to incarceration on a first offense or otherwise
32 the municipal court may place a juvenile on residential detention, which may
33 be supervised by electronic monitoring for up to thirty (30) days.

34 (d) For a juvenile to be found in contempt for violating a court order
35 the order must have been in writing and served on the juvenile and the
36 juvenile's parent or guardian. If a juvenile is found in contempt of court

1 the court may:

2 (1) Order that the juvenile be committed for a period not to
3 exceed ten (10) days; or

4 (2) Place the juvenile on residential detention, which may be
5 supervised by electronic monitoring for up to thirty (30) days.

6 (e) Any juvenile incarcerated under this act shall be separated from
7 individuals eighteen (18) years of age or older. Where space is available a
8 juvenile who pleads guilty or nolo contendere to, or is found guilty of, an
9 offense under this act may be placed in a juvenile detention facility rather
10 than the county jail. Juveniles being detained on allegations of delinquency
11 or who have been adjudicated delinquent shall have priority for juvenile
12 detention beds over juveniles sentenced in municipal court.

13 (f) A municipal court may also order the juvenile, juvenile's parent,
14 both parents, or the guardian of any juvenile punishable as provided for
15 herein to be liable for the cost of the incarceration or electronic
16 monitoring. Prior to ordering such payment a municipal court shall take into
17 account:

18 (1) The financial ability of the parent, both parents, or the
19 guardian to pay for the detention or electronic monitoring;

20 (2) The past efforts of the parent, both parents, or the guardian
21 to correct or prevent the juvenile's misconduct;

22 (3) If the parent is a non-custodial parent, the opportunity the
23 parent has had to correct the delinquent juvenile's misconduct; and

24 (4) Any other factors the court deems relevant.

25 /s/ Napper

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28 APPROVED: 4/19/2001