

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H4/3/23

A Bill

SENATE BILL 406

5 By: Senators K. Hammer, Irvin
6 By: Representative Dalby
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING EXTENDED JUVENILE
10 JURISDICTION DESIGNATION UNDER THE ARKANSAS JUVENILE
11 CODE OF 1989; TO AMEND THE CRIMINAL CHARGES THAT
12 WOULD ALLOW THE STATE TO REQUEST AN EXTENDED JUVENILE
13 JURISDICTION DESIGNATION IN A DELINQUENCY PETITION OR
14 FILE A SEPARATE MOTION WHEN ONE OR MORE OF THE
15 OFFENSES ARE CHARGED AGAINST A JUVENILE WHO IS
16 FOURTEEN OR FIFTEEN YEARS OF AGE; AND FOR OTHER
17 PURPOSES.

Subtitle

18
19
20 TO AMEND THE LAW CONCERNING EXTENDED
21 JUVENILE JURISDICTION DESIGNATION UNDER
22 THE ARKANSAS JUVENILE CODE OF 1989.
23
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 9-27-501 is amended to read as follows:

29 9-27-501. Extended juvenile jurisdiction designation.

30 (a) The state may request an extended juvenile jurisdiction
31 designation in a delinquency petition or file a separate motion if the:

32 (1) Juvenile, under thirteen (13) years of age at the time of
33 the alleged offense, is charged with capital murder, § 5-10-101, or murder in
34 the first degree, § 5-10-102, and the state has overcome presumptions of lack
35 of fitness to proceed and lack of capacity as set forth in § 9-27-502;

36 (2)(A) Juvenile, thirteen (13) years of age at the time of the



1 alleged offense, is charged with capital murder, § 5-10-101, or murder in the
2 first degree, § 5-10-102.

3 (B) However, juveniles thirteen (13) years of age at the
4 time of the alleged offense shall have an evaluation pursuant to § 9-27-502,
5 and the burden will be upon the juvenile to establish lack of fitness to
6 proceed and lack of capacity;

7 (3) Juvenile, fourteen (14) or fifteen (15) years of age at the
8 time of the alleged offense, is charged with any of the following crimes
9 ~~listed in § 9-27-318(b)(1) and (c)(2); or:~~

10 (A) Capital murder, § 5-10-101;

11 (B) Murder in the first degree, § 5-10-102;

12 (C) Murder in the second degree, § 5-10-103;

13 (D) Kidnapping, § 5-11-102;

14 (E) Aggravated robbery, § 5-12-103;

15 (F) Battery in the first degree, § 5-13-201;

16 (G) Battery in the second degree in violation of § 5-13-
17 202(a)(2), (3), or (4);

18 (H) Aggravated assault, § 5-13-204;

19 (I) Terroristic act, § 5-13-310;

20 (J) Rape, § 5-14-103;

21 (K) Sexual assault in the second degree, § 5-14-125;

22 (L) First degree escape, § 5-54-110;

23 (M) Second degree escape, § 5-54-111;

24 (N) Criminal use of prohibited weapons, § 5-73-104;

25 (O) Possession of a handgun on school property, § 5-73-
26 119(b)(1)(A);

27 (P) Unlawful discharge of a firearm from a vehicle, § 5-
28 74-107;

29 (Q) Any felony involving a firearm;

30 (R) Soliciting or recruiting a minor to join or to remain
31 a member of a criminal gang, organization, or enterprise, § 5-74-203; or

32 (S) A felony attempt, solicitation, or conspiracy to
33 commit any of the following offenses:

34 (i) Capital murder, § 5-10-101;

35 (ii) Murder in the first degree, § 5-10-102;

36 (iii) Murder in the second degree, § 5-10-103;

- (iv) Kidnapping, § 5-11-102;
- (v) Aggravated robbery, § 5-12-103;
- (vi) Battery in the first degree, § 5-13-201;
- (vii) Rape, § 5-14-103;
- (viii) First degree escape, § 5-54-110; and
- (ix) Second degree escape, § 5-54-111; or

(4) Juvenile, is at least sixteen (16) or seventeen (17) years of age at the time of the alleged offense, is charged with any of the crimes listed in § 9-27-318(b)(1) and (c)(2) when he or she engages in conduct that, if committed by an adult, would be a felony.

(b) The juvenile's attorney may file a motion to request extended juvenile jurisdiction if the state could have filed pursuant to subsection (a) of this section.

/s/K. Hammer

APPROVED: 4/11/23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36