

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL

4 **By: Senators Dowd, Malone and Harriman**

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For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS JUVENILE
9 CODE OF 1989; TO ESTABLISH YOUTH SERVICES CENTER
10 COMMITMENT CRITERIA; AND FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Ark. Code Ann. §9-27-330 is hereby amended to read as
15 follows:

16 "9-27-330. Disposition - Generally - Alternatives. If a juvenile is
17 found to be delinquent, the court may enter an order making any of the
18 following dispositions:

19 (1) Transfer legal custody of the juvenile to the Department of Human
20 Services, or to another licensed agency responsible for the care of juveniles,
21 or to a relative or other individual.

22 (2) Order the juvenile or members of the juvenile's family to submit to
23 physical, psychiatric, or psychological evaluations.

24 (3) Commit the juvenile to a youth services center operated by the
25 Youth Services Board, using the Risk Assessment System for Arkansas Juvenile
26 Offenders Criteria Review Committee, to be distributed and administered by the
27 Administrative Office of the Courts. In an order of commitment, the court may
28 recommend that a juvenile be placed in a community-based program instead of a
29 youth services center, and shall make specific findings in support of such a
30 placement in the order. Upon receiving an order of commitment with
31 recommendations for placement in a community-based program, the Youth Services
32 Board shall consider the recommendations of the committing court in making its
33 placement to a youth services center or to a community-based alternative.

34 (4) Place the juvenile on probation under those conditions and
35 limitations that the court may prescribe pursuant to 9-27-339(a).

1 (5) Assess a court cost of no more than thirty-five dollars (\$35.00) to
2 be paid by the juvenile or his parent, guardian, or custodian.

3 (6) Order restitution to be paid by the juvenile or his parent,
4 guardian, or custodian.

5 (7) Order a fine of not more than five hundred dollars (\$500) to be
6 paid by the juvenile or his parent, guardian, or custodian.

7 (8) Order that the juvenile participate in court-approved public
8 service not to exceed one hundred sixty (160) hours."
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10 SECTION 2. Ark. Code Ann. §9-27-331(a) is hereby amended to read as
11 follows:

12 "(a) (1) A commitment to a youth services center operated by the Youth
13 Services Board is for an indeterminate period, not to exceed the eighteenth
14 birthday of the juvenile.

15 (2) An order of commitment shall remain in effect for an
16 indeterminate period not exceeding two (2) years from the date entered.

17 (3) Prior to the expiration of an order of commitment, the court
18 may extend the order for additional periods of one (1) year if it finds the
19 extension is necessary to safeguard the welfare of the juvenile or the
20 interest of the public.

21 (4) The committing court may recommend, at any time, that a
22 juvenile be released from the custody of the board by making a written request
23 for release stating the reasons release is deemed in the best interests of the
24 juvenile and society.

25 (5) Length of commitment and final decision to release shall be
26 the exclusive responsibility of the Youth Services Board."
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28 SECTION 3. Ark. Code Ann. §9-28-209(a) is hereby amended to read as
29 follows:

30 "(a) (1) When a juvenile court, circuit court, or any other court having
31 jurisdiction of a youth under eighteen (18) years of age finds the youth to be
32 delinquent or to have committed a crime as defined by the laws of this state,
33 the court may commit the youth to a youth services center operated by the
34 Arkansas Youth Services Board for an indeterminate period, not to exceed the
35 eighteenth birthday of the youth, for such action as the board shall

1 determine.

2 (2) An order of commitment shall remain in effect for an
3 indeterminate period not exceeding two (2) years, subject to extension by the
4 committing court for additional periods of one (1) year if the court finds an
5 extension is necessary to safeguard the welfare of the youth or the interest
6 of the public.

7 (3) When an order of commitment includes recommendations that a
8 juvenile be placed in a community-based program instead of a youth services
9 facility, the board shall consider those recommendations in making a
10 placement. The board has the authority to move a youth at any time within its
11 system of youth services facilities and community-based programs."

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13 SECTION 4. Ark. Code Ann. §9-28-210(b) is hereby amended to read as
14 follows:

15 "(b) The board shall establish rules and regulations regarding the
16 eligibility of youths for release consideration."

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18 SECTION 5. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 6. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 7. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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31 SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the
32 Seventy-Eighth General Assembly that it is necessary to prohibit the
33 unnecessary incarceration of juveniles, to prohibit such juveniles from being
34 treated as criminals, to place such juveniles under proper care; and that the
35 immediate passage of this act is necessary for the protection of juveniles.

1 Therefore, an emergency is hereby declared to exist and this act being
2 necessary for the immediate preservation of the public peace, health and
3 safety shall be in full force and effect from and after its passage and
4 approval.

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