

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Representative Flanagin**

A Bill

Call Item 1

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 9-27-318 (b) (1) TO
9 PROVIDE FOR JUVENILES TO BE TRIED AS ADULTS FOR CRIMINAL
10 OFFENSES COMMITTED WHILE SERVING IN A SERIOUS OFFENDER
11 PROGRAM; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PROVIDE FOR JUVENILES TO BE TRIED AS
15 ADULTS FOR CRIMINAL OFFENSES COMMITTED
16 WHILE SERVING IN A SERIOUS OFFENDER
17 PROGRAM"

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

21 SECTION 1. Arkansas Code Annotated §9-27-318 is amended to read as
22 follows:

23 "(b) (1) When a case involves a juvenile age fourteen (14) years or
24 fifteen (15) years at the time the alleged delinquent act occurred, the
25 prosecuting attorney has the discretion to file charges in circuit court for
26 an alleged act which constitutes capital murder, murder in the first degree,
27 murder in the second degree, kidnapping in the first degree, aggravated
28 robbery, rape, battery in the first degree, possession of a handgun on school
29 property, or aggravated assault committed with a deadly weapon. Furthermore,
30 a juvenile who is charged in juvenile court with a violent offense, and who is
31 sentenced to a serious offender program, and who commits any offense while
32 sentenced to the serious offender program that, if committed by an adult,
33 would constitute a misdemeanor or a felony, shall be tried as an adult in
34 municipal or circuit court and, if convicted, shall receive a minimum
35 mandatory sentence of incarceration in a county jail or the Department of

1 Correction for a period of time equal to the period of time the juvenile was
2 sentenced to the serious offender program for the previous offense."

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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 SECTION 5. EMERGENCY. It is hereby found and determined by the General
18 Assembly of the State of Arkansas that those juveniles who commit offenses
19 while sentenced to serious offender programs often serve a sentence less
20 severe than if they had completed their sentence in the program; that these
21 juveniles need to be sentenced more stringently in order to impress upon them
22 the unacceptability and illegality of their criminal actions; that this act so
23 provides and should be given effect immediately. Therefore, an emergency is
24 hereby declared to exist and this act being necessary for the immediate
25 preservation of the public peace, health, and safety, shall be in full force
26 and effect from and after its passage and approval.

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