

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 622

5 By: Senator S. Flowers  
6

## For An Act To Be Entitled

8 AN ACT TO PROVIDE AN AFFIRMATIVE DEFENSE IN A  
9 JUVENILE DELINQUENCY PROCEEDING IF THE JUVENILE WAS  
10 THE VICTIM OF BULLYING; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO PROVIDE AN AFFIRMATIVE DEFENSE IN A  
15 JUVENILE DELINQUENCY PROCEEDING IF THE  
16 JUVENILE WAS THE VICTIM OF BULLYING.  
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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 9, Chapter 27, Subchapter 3, is amended  
22 to add an additional section to read as follows:

23 9-27-368. Affirmative defense in juvenile delinquency cases.

24 (a) It is an affirmative defense to a delinquency case if the juvenile  
25 establishes that he or she was intentionally harassed, intimidated,  
26 humiliated, ridiculed, defamed, threatened, or provoked to violence by  
27 another student or a public school employee through conduct that addressed an  
28 attribute of the juvenile or a person with whom the juvenile is associated  
29 and the conduct caused or created actual or reasonably foreseeable:

30 (1) Physical harm to the juvenile or damage to the juvenile's  
31 property;

32 (2) Substantial interference with the juvenile's education;

33 (3) A hostile educational environment for the juvenile due to  
34 the severity, persistence, or pervasiveness of the conduct; or

35 (4) Substantial disruption of the orderly operation of the  
36 school or educational environment.



1           (b) If the juvenile establishes an affirmative defense under  
2 subsection (a) of this section, the court may:

3                   (1) Dismiss the petition; or

4                   (2) In the case at hand, if the juvenile used a dangerous weapon  
5 such as a gun, a knife, brass knuckles, a razor, or a sword, consider the  
6 affirmative defense as a mitigating factor.

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