

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/28/19

# A Bill

HOUSE BILL 1384

5 By: Representative C. Fite  
6 By: Senator Rice  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY WHEN THE DIVISION OF YOUTH SERVICES  
10 MAY RELEASE INFORMATION ABOUT A JUVENILE TO THE  
11 GENERAL PUBLIC; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

15 TO CLARIFY WHEN THE DIVISION OF YOUTH  
16 SERVICES MAY RELEASE INFORMATION ABOUT A  
17 JUVENILE TO THE GENERAL PUBLIC.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 9-28-215 is amended to read as follows:

23 9-28-215. Departure without authorization – Release of information.

24 (a) ~~When a juvenile departs without authorization from a youth~~  
25 ~~services center or other facility operated by the Division of Youth Services~~  
26 ~~of the Department of Human Services for the care of delinquent juveniles, if~~  
27 ~~at the time of departure the juvenile is committed or detained for an offense~~  
28 ~~for which the juvenile could have been tried as an adult, the Director of the~~  
29 ~~Division of Youth Services of the Department of Human Services shall release~~  
30 ~~to the general public the name, age, and description of the juvenile and any~~  
31 ~~other pertinent information he or she deems necessary to aid in the~~  
32 ~~apprehension of the juvenile and safeguard the public welfare~~ As used in this  
33 section, "identifying and descriptive information" means any information  
34 pertaining to a juvenile that is necessary to safeguard public safety and aid  
35 in the apprehension of the juvenile, including without limitation:

36 (1) A photo of the juvenile;



1           (2) The name of the juvenile;

2           (3) The age of the juvenile; and

3           (4) A felony offense for which the juvenile is committed to the  
4 custody of the Division of Youth Services of the Department of Human  
5 Services.

6           (b)(1) When a juvenile who is committed to the custody of the Division  
7 of Youth Services of the Department of Human Services leaves his or her  
8 assigned placement without authorization, the Director of the Division of  
9 Youth Services of the Department of Human Services or his or her designee  
10 shall release the identifying and descriptive information of the juvenile to  
11 the general public if the juvenile :

12                   (A) Is committed to the division for an offense that would  
13 be a felony if the offense were committed by an adult;

14                   (B) Poses a serious threat to public safety or a member of  
15 the public; or

16                   (C) Is at a heightened risk of harm if he or she is not  
17 apprehended immediately due to his or her age, disability, medical condition,  
18 mental capacity, or another emergency circumstance.

19           (2) The division shall release identifying and descriptive  
20 information to the general public if the juvenile is committed to the  
21 division under extended juvenile jurisdiction.

22           (3) The division shall promulgate rules detailing the factors to  
23 be considered in determining when identifying and descriptive information may  
24 be released.

25           ~~(b)~~(c) When a juvenile departs without authorization from the Arkansas  
26 State Hospital, if at the time of departure the juvenile is committed as a  
27 result of an acquittal, for mental disease or defect, of an offense for which  
28 the juvenile could have been tried as an adult, the Director of the Division  
29 of Behavioral Health of the Department of Human Services shall release to the  
30 general public the name, age, and description of the juvenile and any other  
31 pertinent information he or she deems necessary to aid in the apprehension of  
32 the juvenile and safeguard the public welfare.

33           ~~(e)~~(d) When a juvenile departs without authorization from a local  
34 juvenile detention facility, if at the time of departure the juvenile is  
35 committed or detained for an offense for which the juvenile could have been  
36 tried as an adult, the director of the juvenile detention facility shall

1 release to the general public the name, age, and description of the juvenile  
2 and any other pertinent information the director deems necessary to aid in  
3 the apprehension of the juvenile and safeguard the public welfare.

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

*/s/C. Fite*