

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

A Bill

SENATE BILL 89

5
6 By: Senator A. Clark

7 Filed with: Senate Committee on Judiciary
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING THE CLOSED AND
11 CONFIDENTIAL NATURE OF RECORDS UNDER THE ARKANSAS
12 JUVENILE CODE OF 1989; AND FOR OTHER PURPOSES.

13 14 15 Subtitle

16 TO AMEND THE LAW CONCERNING THE CLOSED
17 AND CONFIDENTIAL NATURE OF RECORDS UNDER
18 THE ARKANSAS JUVENILE CODE OF 1989.

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

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23 SECTION 1. Arkansas Code § 9-27-309(a), concerning records that may be
24 closed and confidential at the discretion of the circuit court, is amended to
25 read as follows:

26 (a) All records may be closed and confidential within the discretion
27 of the circuit court, except:

28 (1) Adoption records, including any part of a dependency-neglect
29 record that includes adoption records, shall be closed and confidential as
30 provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.;

31 (2) Records of delinquency adjudications for which a juvenile
32 could have been tried as an adult shall be made available to prosecuting
33 attorneys for use at sentencing if the juvenile is subsequently tried as an
34 adult or to determine if the juvenile should be tried as an adult; ~~and~~

35 (3) The Administrative Office of the Courts shall provide the
36 Arkansas Crime Information Center with records of delinquency adjudications

1 for a juvenile adjudicated delinquent for an offense for which juvenile
2 fingerprints shall be taken under § 9-27-320; and

3 (4) A criminal court shall not use a record from a dependency-
4 neglect case that includes information provided to the Department of Human
5 Services during the performance of services, including without limitation
6 information obtained through staffing, counseling, family therapy, a
7 substance abuse service, a mediation service, court-appointed special
8 advocate services, or a psychological service.

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11 Referred requested by the Arkansas Senate

12 Prepared by: JNL/VJF
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