

INTERIM STUDY PROPOSAL 2015-034

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

As Engrossed: S3/16/15
A Bill

SENATE BILL 798

5
6 By: Senator S. Flowers

7 Filed with: Senate Interim Committee on Children and Youth
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO PROTECT CHILDREN IN DELINQUENCY CASES AND
11 FAMILIES IN NEED OF SERVICES CASES FROM UNWARRANTED
12 TESTING FOR DRUG OR ALCOHOL ABUSE; AND FOR OTHER
13 PURPOSES.

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16 **Subtitle**

17 TO PROTECT CHILDREN IN DELINQUENCY CASES
18 AND FAMILIES IN NEED OF SERVICES CASES
19 FROM UNWARRANTED TESTING FOR DRUG OR
20 ALCOHOL ABUSE.

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

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25 SECTION 1. Arkansas Code § 9-27-325(e)(2)(A), concerning hearings
26 under the Juvenile Code, is amended to read as follows:

27 (2)(A)(i) Upon motion of any party, the court may order that the
28 father, mother, and child submit to scientific testing for drug or alcohol
29 abuse.

30 (ii) In a dependency-neglect proceeding, the court
31 may order the father, mother, and child to submit to scientific testing for
32 drug or alcohol abuse.

33 (iii) In a delinquency proceeding, the child shall
34 not be ordered to submit to scientific testing for drug or alcohol abuse
35 before the adjudication hearing.

1 (iv) In a family in need of services proceeding, the
2 family shall not be ordered to submit to scientific testing for drug or
3 alcohol abuse.

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5 SECTION 2. Arkansas Code § 9-27-333, concerning the disposition of
6 cases regarding families in need of services, is amended to add an additional
7 subsection to read as follows:

8 (j) A court shall not order scientific testing for drug or alcohol
9 abuse for a family unless reasonable suspicion exists that the test will be
10 positive.

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12 SECTION 2. Arkansas Code § 9-27-330(a)(2), concerning dispositions in
13 juvenile delinquency proceedings, is amended to read as follows:

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

16 (B) Order the juvenile to submit to scientific testing for
17 drug or alcohol abuse if the court has a reasonable suspicion that the test
18 will be positive.

19 (C) If a court finds reasonable suspicion for
20 testing under subdivision (a)(2)(A) of this section, the court may continue
21 to order testing of the juvenile without subsequent findings;

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23 /s/S. Flowers

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26 Referred by the Arkansas Senate

27 Prepared by: VJF