

# INDEX TO GENERAL LEGISLATION

	Page
ADEPT PROGRAM	
See Juveniles . . . . .	6
ADULT EDUCATION	
See Education/17 and 17 Year Olds in Adult Education . . . . .	5
ARREST RECORDS	
See Criminal Law/Juveniles . . . . .	2
BOARD OF CORRECTION AND COMMUNITY PUNISHMENT	
See Corrections . . . . .	1
CHANCERY JUDGE AT LARGE	
See Courts . . . . .	1
COMMUNITY PUNISHMENT	
See Corrections . . . . .	1
CONTROLLED SUBSTANCES	
See Criminal Law . . . . .	1
CORPORAL PUNISHMENT	
See Education . . . . .	5
CORRECTIONS . . . . .	1
COUNTIES . . . . .	1
COURTS . . . . .	1
CRIMINAL LAW . . . . .	1 - 5
EDUCATION . . . . .	5 - 6
FINGERPRINTING	
See Criminal Law/Juveniles/Fingerprinting and photographing of juveniles . . . . .	2
FIREARMS	
See Criminal Law/Weapons . . . . .	4 - 5
GANG SOLICITATION	
See Criminal Law/Soliciting a Minor to Join a Gang . . . . .	4
GED	
See Education . . . . .	6
JUVENILE DELINQUENTS	
See Juveniles . . . . .	8
JUVENILE RECORDS	
See Juveniles/Records . . . . .	8-9
JUVENILES . . . . .	6 - 9
MINIMUM FOUNDATION AID	
See Education . . . . .	6
MOTOR VEHICLES . . . . .	9
MUNICIPALITIES . . . . .	10

NINTH JUDICIAL DISTRICT WEST	
See Prosecuting Attorneys . . . . .	10
PLANNED COMMUNITIES	
See Motor Vehicles/Traffic Laws/Private Roadways in Planned Communities . . . .	9
PRIVATE ROADWAYS	
See Motor Vehicles/Traffic Laws/Private Roadways in Planned Communities . . . .	9
PROSECUTING ATTORNEYS . . . . .	10
QUESTIONING OF JUVENILES	
See Criminal Law/Juveniles/Waiver Of Right To Council . . . . .	3
RAILROAD ROLLING STOCK	
See Taxation/Sales and Use Tax Exemption . . . . .	10
RETIREMENT . . . . .	10
SALES TAX	
See Taxation . . . . .	10 - 11
SCHOOLS	
See Education . . . . .	5 - 6
SEIZURE OF FIREARMS AND MOTOR VEHICLES	
See Criminal Law/Juveniles . . . . .	3
SENTENCING	
See Criminal Law . . . . .	3 - 4
SEVENTEENTH JUDICIAL DISTRICT WEST	
See Courts . . . . .	1
SOFT DRINK TAX	
See Taxation . . . . .	11
SOLICITING A MINOR TO JOIN A GANG	
See Criminal Law . . . . .	4
SOUTH AFRICA	
See Retirement/Investment of Funds . . . . .	10
STATE AGENCIES . . . . .	10
STOP AND QUESTION	
See Criminal Law/Juveniles/Waiver Of Right To Council . . . . .	3
TAXATION . . . . .	10 - 11
TRAFFIC LAWS	
See Motor Vehicles . . . . .	9
TRANSPORTATION OF JUVENILES	
See Juveniles . . . . .	9
WAIVER OF RIGHT TO COUNSEL	
See Criminal Law/Juveniles . . . . .	3
WALDRON MUNICIPAL COURT	
See Courts . . . . .	1
WEAPONS	
See Criminal Law . . . . .	4 - 5
YOUTH SERVICE CENTER	
See Juveniles/Commitment to Youth Services Center . . . . .	6

## **CORRECTIONS**

### **COMMUNITY PUNISHMENT**

Act 19 (SB 30) authorizes the transfer of certain inmates to community punishment facilities.

### **BOARD OF CORRECTION AND COMMUNITY PUNISHMENT**

Act 26 (SB 44) authorizes members of the Board of Correction and Community Punishment to receive per diem of sixty dollars (\$60.00) per day for a maximum of three days per month for attending to official business of the board, other than official meetings of the board.

## **COUNTIES**

### **TEMPORARY SALES TAX FOR CRIMINAL DETENTION PURPOSES**

Act 64 (HB 1002) authorizes counties and municipalities to levy a temporary sales tax for up to thirty-six (36) months to finance capital improvements for criminal justice projects without incurring the extra costs involved in issuing bonds. A "criminal justice purpose" means public projects constructed or altered for the purpose of law enforcement, probation, rehabilitation, or detention of any criminals, courthouses, court facilities, jails, police stations and sheriff's offices, county and municipal criminal detention and correctional facilities, and juvenile detention facilities. It also provides that the county quorum court can vote, or refer to a vote of the county voters, to build a county jail facility at some location other than the county seat.

## **COURTS**

### **CHANCERY JUDGE AT LARGE**

Act 66 (SB 41) creates the position of Chancery Judge at Large to be appointed by the Governor from those judges who lost two years of their elected terms pursuant to Eugene Hunt v. State of Arkansas.

### **SEVENTEENTH JUDICIAL DISTRICT WEST**

Act 29 (SB 26) creates an additional circuit-chancery judgeship in the 17th Judicial District West, effective January 1, 1995.

### **WALDRON MUNICIPAL COURT**

Act 29 (SB 26) establishes the salary limits for the judge and clerk of the Waldron municipal court.

## **CRIMINAL LAW**

### **CONTROLLED SUBSTANCES**

Act 10 (SB 10) and Act 46 (HB 1007) enhance the criminal penalties for all other purposes other than disposition for the manufacture or delivery of Schedule 6 controlled substances.

## *CRIMINAL LAW (Cont).*

### JUVENILES

#### ARREST RECORDS

Act 37 (SB 7) and Act 38 (HB 1023) provide that the Arkansas Crime Information Agency shall collect and maintain juvenile arrest information for those allegations and adjudications of delinquency for which the Arkansas Juvenile Code authorizes fingerprints to be taken and maintained. It provides for the use of an "Arrest Tracking Number". The act allows for the sharing of conviction information for noncriminal justice purposes with federal governmental agencies.

#### CIRCUIT COURT JURISDICTION

Act 39 (SB 4) and Act 40 (HB 1019) add the following criminal offenses to those offenses for which a juvenile aged 14 or 15 years may be charged as an adult in circuit court: terroristic act; unlawful discharge of a firearm from a vehicle; any felony committed while armed with a firearm; soliciting a minor to join a criminal street gang; criminal use of a prohibited weapon; a felony attempt, solicitation or conspiracy to commit any of the following offenses - capital murder, murder in the first degree, murder in the second degree, kidnapping, aggravated robbery, rape, and battery in the first degree. The acts also allow the prosecutor to file charges in circuit court against a juvenile for other criminal acts arising out of the same course of conduct after a hearing before the juvenile division of chancery court.

#### FINGERPRINTING AND PHOTOGRAPHING OF JUVENILES

Act 70 (SB 6) and Act 69 (HB 1008) provide that juvenile records of delinquency adjudications for which a juvenile could have been tried as an adult shall be made available to prosecuting attorneys for use at sentencing on subsequent offenses for which the juvenile is tried as an adult or to determine if the juvenile should be tried as an adult. They provide that records of juvenile delinquency adjudications for which the juvenile could have been tried as an adult shall be kept for ten (10) years after the last adjudication of delinquency or the date of a plea of guilty or nolo contendere or finding of guilt as an adult. The acts allow the prosecuting attorney to provide information regarding juveniles who have been adjudicated delinquent to the victim, victim's next of kin, or the superintendent of schools in which the juvenile is currently enrolled, and further provides that the prosecuting attorney shall notify the superintendent of schools in which the juvenile is enrolled of offenses committed by the juvenile for which he could have been charged as an adult and for the unlawful possession of a handgun. They lower the state's burden of proof from "beyond a reasonable doubt" to "preponderance of the evidence" in juvenile probation revocation hearings and allow for commitment to a juvenile detention facility for up to ninety (90) days for violating the terms and conditions of probation. The acts provide that a juvenile shall be photographed and fingerprinted if arrested for an offense that, if committed by an adult, would constitute a felony, a Class A misdemeanor, or an offense wherein violence or the use of a weapon was involved and provides that a juvenile shall not be photographed or fingerprinted for allegations of delinquency except for the same type of offenses.

## ***CRIMINAL LAW - JUVENILES (Cont.)***

### **POSSESSION OF HANDGUN**

Act 57 (SB 9) and Act 58 (HB 1018) enhance the criminal penalties for the possession of a handgun by a person under the age of eighteen (18), subject to enumerated defenses, if the person has previously been adjudicated delinquent for possessing a handgun, if the person has been previously adjudicated delinquent for any offense which would be a felony if committed by an adult, or if the person has pled guilty or nolo contendere or been found guilty of a felony in circuit court. The acts add a prohibition regarding the possession of a handgun upon the property of private institutions of higher education.

### **SEIZURE OF FIREARMS AND MOTOR VEHICLES**

Act 56 (SB 5) and Act 55 (HB 1004) provide for the seizure and forfeiture of firearms unlawfully possessed by juveniles and provides for the seizure and forfeiture of a motor vehicle in which a juvenile is unlawfully possessing a firearm, subject to certain safeguards to protect primarily the owner and secured parties. The acts mandate that juveniles be taken into detention for certain offenses involving firearms and handguns. The acts set guidelines and limitations on the detention of juveniles taken into custody for other offenses. They provide for the detaining of juveniles in adult jails under certain circumstances and provide for the Governor to grant exemptions from "sight and sound" separation requirements under certain circumstances for limited periods of time.

### **SENTENCING OPTIONS EXPANDED**

Act 62 (SB 12) and Act 61 (HB 1009) expand the sentencing options for juvenile judges under the Arkansas Juvenile Code for juveniles adjudicated delinquent. They provide juveniles may be sentenced to electronic monitoring or house arrest, the juveniles' parents may now be required to pay for their detention, and the juvenile court can now retain jurisdiction to modify or extend the sentencing of juveniles in some cases. The acts also provide for mandatory sentencing to a DHS-Youth Services facility for juveniles convicted of weapons offenses. The acts increase the maximum amount of restitution a juvenile judge can order from \$2,000 to \$10,000.

### **WAIVER OF RIGHT TO COUNSEL**

Act 68 (SB 11) and Act 67 (HB 1005), amend the Arkansas Juvenile Code provisions on waiving the juvenile's right to counsel to allow juveniles taken into custody to waive their right to an attorney and make a statement under the same standard as adult arrestees. They also provide clarification of the authority of law enforcement officers to take statements of juvenile witnesses.

## **SENTENCING**

### **DRUG ABUSE PROGRAM**

Act 53 (SB 48) allows any judicial district, with the agreement of the parties, to establish a program whereby a defendant may be transferred to a pretrial or posttrial treatment program for drug abuse.

**CRIMINAL LAW - SENTENCING (Cont).**

**JUVENILE OPTIONS EXPANDED**

Act 62 (SB 12) and Act 61 (HB 1009) expand the sentencing options for juvenile judges under the Arkansas Juvenile Code for juveniles adjudicated delinquent. They provide juveniles may be sentenced to electronic monitoring or house arrest, the juveniles' parents may now be required to pay for their detention, and the juvenile court can now retain jurisdiction to modify or extend the sentencing of juveniles in some cases. The acts also provide for mandatory sentencing to a DHS-Youth Services facility for juveniles convicted of weapons offenses. The acts increase the maximum amount of restitution a juvenile judge can order from \$2,000 to \$10,000.

**RECORDS DEFINED**

Act 59 (SB 37) and Act 60 (HB 1038) amend the sentencing provisions of the Arkansas Code by defining the term 'record' for the purposes of computing criminal history scores and by expanding the term 'offense seriousness' to include offenses for which a person was found guilty or to which the person pled guilty or nolo contendere.

**SOLICITING A MINOR TO JOIN A GANG**

Act 33 (SB 14) and Act 34 (HB 1012) establish a new criminal offense of soliciting a minor to join a criminal gang, organization, or enterprise. A "criminal gang" is defined as any group of three (3) or more individuals who commit a continuing series of two (2) or more predicate criminal offenses which are undertaken in concert with each other. Conviction for a first offense of soliciting or recruiting a minor to become or remain a member of a criminal gang is a Class C felony and a second or subsequent conviction is a Class B felony.

**WEAPONS**

**FURNISHING HANDGUNS OR PROHIBITED WEAPONS TO FELONS**

Act 41 (SB 3) and Act 42 (HB 1022) create the criminal offense of furnishing a handgun or a prohibited weapon to a person who has been found guilty, or who has pled guilty or nolo contendere to a felony offense. Furnishing a handgun or a prohibited weapon to a felon is a Class B felony.

**FURNISHING DEADLY WEAPONS TO MINORS**

Act 45 (HB 1003) provides enhanced penalties for furnishing certain types of deadly weapons to minors and defines what constitutes a "sawed-off shotgun" and "sawed-off rifle" under the Arkansas Criminal Code.

**JUVENILE IN POSSESSION OF HANDGUN**

Act 57 (SB 9) and Act 58 (HB 1018) enhance the criminal penalties for the possession of a handgun by a person under the age of eighteen (18), subject to enumerated defenses, if the person has previously been adjudicated delinquent for possessing a handgun, if the person has been previously adjudicated delinquent for any offense which would be a felony if committed by an adult, or if the person has pled guilty or nolo contendere or been found guilty of a felony in circuit court. The acts add a prohibition regarding the possession of a handgun upon the property of private institutions of higher education.

## **CRIMINAL LAW - WEAPONS (Cont).**

### **JUVENILES IN POSSESSION OF FIREARM - SEIZURE**

Act 56 (SB 5) and Act 55 (HB 1004) provide for the seizure and forfeiture of firearms unlawfully possessed by juveniles and provide for the seizure and forfeiture of a motor vehicle in which a juvenile is unlawfully possessing a firearm, subject to certain safeguards to protect primarily the owner and secured parties. The acts mandate that juveniles be taken into detention for certain offenses involving firearms and handguns. The acts set guidelines and limitations on the detention of juveniles taken into custody for other offenses. They provide for the detaining of juveniles in adult jails under certain circumstances and provide for the Governor to grant exemptions from "sight and sound" separation requirements under certain circumstances for limited periods of time.

### **RESTORATION OF RIGHT TO POSSESS FIREARMS**

Act 63 (HB 1006) increases the criminal penalty for the unlawful possession of a firearm by felons from a Class D felony to a Class B felony. The act provides the Governor with the authority to restore to a person convicted of unlawful possession of a firearm the right to own and possess a firearm without granting the person a pardon. The act excludes persons whose felony or adjudication of delinquency involved the use of a weapon or whose felony or adjudication of delinquency occurred no more than eight years ago.

### **UNLAWFUL POSSESSION OF A FIREARM**

Act 63 (HB 1006) increases the criminal penalty for the unlawful possession of a firearm by felons from a Class D felony to a Class B felony. The act provides the Governor with the authority to restore to a person convicted of unlawful possession of a firearm the right to own and possess a firearm without granting the person a pardon. The act excludes persons whose felony or adjudication of delinquency involved the use of a weapon or whose felony or adjudication of delinquency occurred no more than eight years ago.

## **EDUCATION**

### **16 AND 17 YEAR OLDS IN ADULT EDUCATION**

Act 30 (HB 1017) and Act 31 (SB 15) authorize an exemption from compulsory school attendance for 16 and 17 year olds, so long as they meet certain requirements to enroll in adult education programs, and require the students to maintain satisfactory attendance or risk loss of their drivers license and incurring civil penalties for their parents or guardians.

### **BONDS**

Act 43 (SB 28) provides that school districts may issue negotiable bonds to pay off and extend certain outstanding postdated warrants, installment contracts, revolving loans, and lease purchase agreements.

### **CORPORAL PUNISHMENT**

Act 51 (HB 1036) provides immunity from any civil liability for certified personnel who administer corporal punishment in substantial compliance with a school district's student discipline policy and adds corporal punishment statistics to the list of information required to be included in the "Annual School Report Card" compiled by the State Department of Education.

## ***EDUCATION (Cont.)***

### **GED TEST/PILOT PROGRAM**

Act 47 (HB 1010) requires the State Department of Education to establish a pilot program during the 1994-95 school year to determine whether GED tests are appropriate to use as a high school exit examination.

### **MINIMUM FOUNDATION AID**

Act 13 (SB 31) and Act 16 (HB 1029) authorize the Department of Education to expend minimum foundation program aid funds to provide educational services to Arkansas students in Arkansas school districts contiguous to adjoining states.

### **REVOLVING LOAN FUND**

Act 49 (HB 1025) allows school districts to borrow money for maintenance and operation from the revolving loan fund in an amount equal to insured facility loss or damage when the insurance claim is being litigated or arbitrated.

### **SCHOOL BOARD ELECTION BY ZONES - EXEMPTION**

Act 57 (SB 9) and Act 58 (HB 1018) grant an exemption, until the lawsuit has been resolved, to a school district which on August 13, 1993 was in the process of defending a lawsuit brought under the Voting Rights Act of 1965 (Newport School District) from Arkansas Code Annotated §6-13-631 which requires that school districts having a ten percent (10%) or greater minority population to divide into five (5) or seven (7) single member zones or five (5) single member zones and two (2) at large zones beginning with the 1994 annual school board election.

## **JUVENILES**

### **ADEPT PROGRAM**

Act 23 (SB 39) requires the Department of Correction to establish an Adept program which will provide assessment, diagnosis, evaluation, placement and treatment services to non-adjudicated and adjudicated youth and their families.

### **COMMITMENT TO YOUTH SERVICES CENTER**

Act 44 (SB 40) amends the Arkansas Code to increase the age whereby the Arkansas Youth Services Board can commit a youth to a youth services center operated by the Board from eighteen (18) to twenty-one (21) years of age. The act further provides that the commitment shall not exceed the eighteenth birthday of the youth unless the Board determines that a facility is available for youths eighteen and older.



## *JUVENILES (Cont.)*

### CRIMINAL LAW

#### CIRCUIT COURT JURISDICTION

Act 39 (SB 4) and Act 40 (HB 1019) add the following criminal offenses to those offenses for which a juvenile aged 14 or 15 years may be charged as an adult in circuit court: terroristic act; unlawful discharge of a firearm from a vehicle; any felony committed while armed with a firearm; soliciting a minor to join a criminal street gang; criminal use of a prohibited weapon; a felony attempt, solicitation or conspiracy to commit any of the following offenses - capital murder, murder in the first degree, murder in the second degree, kidnapping, aggravated robbery, rape, and battery in the first degree. The acts also allow the prosecutor to file charges in circuit court against a juvenile for other criminal acts arising out of the same course of conduct after a hearing before the juvenile division of chancery court.

#### FURNISHING DEADLY WEAPONS TO MINORS

Act 45 (HB 1003) provides enhanced penalties for furnishing certain types of deadly weapons to minors and defines what constitutes a "sawed-off shotgun" and "sawed-off rifle" under the Arkansas Criminal Code.

#### POSSESSION OF HANDGUN

Act 57 (SB 9) and Act 58 (HB 1018) enhance the criminal penalties for the possession of a handgun by a person under the age of eighteen (18), subject to enumerated defenses, if the person has previously been adjudicated delinquent for possessing a handgun, if the person has been previously adjudicated delinquent for any offense which would be a felony if committed by an adult, or if the person has pled guilty or nolo contendere or been found guilty of a felony in circuit court. The acts add a prohibition regarding the possession of a handgun upon the property of private institutions of higher education.

#### SEIZURE OF FIREARMS AND MOTOR VEHICLES

Act 56 (SB 5) and Act 55 (HB 1004) provide for the seizure and forfeiture of firearms unlawfully possessed by juveniles and provide for the seizure and forfeiture of a motor vehicle in which a juvenile is unlawfully possessing a firearm, subject to certain safeguards to protect primarily the owner and secured parties. The acts mandate that juveniles be taken into detention for certain offenses involving firearms and handguns. The acts set guidelines and limitations on the detention of juveniles taken into custody for other offenses. They provide for the detaining of juveniles in adult jails under certain circumstances and provide for the Governor to grant exemptions from "sight and sound" separation requirements under certain circumstances for limited periods of time.

#### SOLICITING A MINOR TO JOIN A GANG

Act 33 (SB 14) and Act 34 (HB 1012) establish a new criminal offense of soliciting a minor to join a criminal gang, organization, or enterprise. A "criminal gang" is defined as any group of three (3) or more individuals who commit a continuing series of two (2) or more predicate criminal offenses which are undertaken in concert with each other. Conviction for a first offense of soliciting or recruiting a minor to become or remain a member of a criminal gang is a Class C felony and a second or subsequent conviction is a Class B felony.

***JUVENILES - CRIMINAL LAW (Cont.)***

**WAIVER OF RIGHT TO COUNSEL**

Act 68 (SB 11) and Act 67 (HB 1005), amend the Arkansas Juvenile Code provisions on waiving the juvenile's right to counsel to allow juveniles taken into custody to waive their right to an attorney and make a statement under the same standard as adult arrestees. They also provide clarification of the authority of law enforcement officers to take statements of juvenile witnesses.

**JUVENILE DELINQUENTS**

**EXPANDED DEFINITION**

Act 11 (SB 16) and Act 36 (HB 1020) redefine the term "delinquent juvenile" to include any person 10 years of age or younger who commits the offense of carrying a weapon.

**SENTENCING OPTIONS EXPANDED**

Act 62 (SB 12) and Act 61 (HB 1009) expand the sentencing options for juvenile judges under the Arkansas Juvenile Code for juveniles adjudicated delinquent. They provide juveniles may be sentenced to electronic monitoring or house arrest, the juveniles' parents may now be required to pay for their detention, and the juvenile court can now retain jurisdiction to modify or extend the sentencing of juveniles in some cases. The acts also provide for mandatory sentencing to a DHS-Youth Services facility for juveniles convicted of weapons offenses. The acts increase the maximum amount of restitution a juvenile judge can order from \$2,000 to \$10,000.

**RECORDS**

**ARREST RECORDS**

Act 37 (SB 7) and Act 38 (HB 1023) provide that the Arkansas Crime Information Agency shall collect and maintain juvenile arrest information for those allegations and adjudications of delinquency for which the Arkansas Juvenile Code authorizes fingerprints to be taken and maintained. It provides for the use of an "Arrest Tracking Number". The acts allow for the sharing of conviction information for noncriminal justice purposes with federal governmental agencies.

## **JUVENILES - RECORDS (Cont.)**

### **FINGERPRINTING AND PHOTOGRAPHING OF JUVENILES**

Act 70 (SB 6) and Act 69 (HB 1008) provide that juvenile records of delinquency adjudications for which a juvenile could have been tried as an adult shall be made available to prosecuting attorneys for use at sentencing on subsequent offenses for which the juvenile is tried as an adult or to determine if the juvenile should be tried as an adult; provides that records of juvenile delinquency adjudications for which the juvenile could have been tried as an adult shall be kept for ten (10) years after the last adjudication of delinquency or the date of a plea of guilty or nolo contendere or finding of guilt as an adult. The acts allow the prosecuting attorney to provide information regarding juveniles who have been adjudicated delinquent to the victim, victim's next of kin, or the superintendent of schools in which the juvenile is currently enrolled, and further provide that the prosecuting attorney shall notify the superintendent of schools in which the juvenile is enrolled of offenses committed by the juvenile for which he could have been charged as an adult and for the unlawful possession of a handgun. They lower the state's burden of proof from "beyond a reasonable doubt" to "preponderance of the evidence" in juvenile probation revocation hearings and allow for commitment to a juvenile detention facility for up to ninety (90) days for violating the terms and conditions of probation. The acts provide that a juvenile shall be photographed and fingerprinted if arrested for an offense that, if committed by an adult, would constitute a felony, a Class A misdemeanor, or an offense wherein violence or the use of a weapon was involved and provide that a juvenile shall not be photographed or fingerprinted for allegations of delinquency except for the same type of offenses.

### **TRANSPORTATION OF JUVENILES**

Act 12 (SB 27) authorizes auxiliary law enforcement officers to be compensated for transporting juveniles.

## **MOTOR VEHICLES**

### **SEIZURE OF FIREARMS AND MOTOR VEHICLES**

Act 56 (SB 5) and Act 55 (HB 1004) provide for the seizure and forfeiture of firearms unlawfully possessed by juveniles and provide for the seizure and forfeiture of a motor vehicle in which a juvenile is unlawfully possessing a firearm, subject to certain safeguards to protect primarily the owner and secured parties. The acts mandate that juveniles be taken into detention for certain offenses involving firearms and handguns. The acts set guidelines and limitations on the detention of juveniles taken into custody for other offenses. They provide for the detaining of juveniles in adult jails under certain circumstances and provide for the Governor to grant exemptions from "sight and sound" separation requirements under certain circumstances for limited periods of time.

### **TRAFFIC LAWS**

#### **PRIVATE ROADWAYS IN PLANNED COMMUNITIES**

Act 32 (HB 1026) permits Arkansas general traffic laws to be made applicable to the private roads in planned communities, previously most so-called rules-of-the-road could not be enforced on any private roads. It applies to private roads of planned communities where the private landowners grant permission to state and local law enforcement authorities to enter and enforce traffic laws. It provides private road owners in planned communities with the option to permit traffic law enforcement on their roads and requires notice (signs to be posted) to those persons using the planned communities' private roads.

## **MUNICIPALITIES**

### **TEMPORARY SALES TAX FOR CRIMINAL DETENTION PURPOSES**

Act 64 (HB 1002) authorizes counties and municipalities to levy a temporary sales tax for up to thirty-six (36) months to finance capital improvements for criminal justice projects without incurring the extra costs involved in issuing bonds. A "criminal justice purpose" means public projects constructed or altered for the purpose of law enforcement, probation, rehabilitation, or detention of any criminals, courthouses, court facilities, jails, police stations and sheriff's offices, county and municipal criminal detention and correctional facilities, and juvenile detention facilities. It also provides that the county quorum court can vote, or refer to a vote of the county voters, to build a county jail facility at some location other than the county seat.

## **PROSECUTING ATTORNEYS**

### **NINTH JUDICIAL DISTRICT WEST**

Act 17 (HB 1032) and Act 18 (SB 33) reclassify the prosecuting attorney of the Ninth Judicial District West as a Division A prosecutor, beginning January 1, 1995.

## **RETIREMENT**

### **INVESTMENT OF FUNDS**

Act 52 (SB 34) repeals laws which require the divestment of state-supported retirement system funds in companies engaged in business in or with the republic of South Africa.

## **STATE AGENCIES**

### **LAND TRANSFERS**

Act 65 (SB 29) provides that the procedures for the sale or other disposition of certain state-owned lands shall not be applicable to the transfer of state lands to political subdivisions of the state.

## **TAXATION**

### **SALES TAX**

#### **EXEMPTION**

Act 25 (SB 43) exempts from the state sales and use tax the sale or lease of railroad rolling stock manufactured for use in transporting persons or property in interstate commerce.

**TAXATION - SALES TAX** (Cont.)

**TAX IN LIEU OF BONDS FOR CRIMINAL DETENTION PURPOSES**

Act 64 (HB 1002) authorizes counties and municipalities to levy a temporary sales tax for up to thirty-six (36) months to finance capital improvements for criminal justice projects without incurring the extra costs involved in issuing bonds. A "criminal justice purpose" means public projects constructed or altered for the purpose of law enforcement, probation, rehabilitation, or detention of any criminals, courthouses, court facilities, jails, police stations and sheriff's offices, county and municipal criminal detention and correctional facilities, and juvenile detention facilities. It also provides that the county quorum court can vote, or refer to a vote of the county voters, to build a county jail facility at some location other than the county seat.

**SOFT DRINK TAX**

Act 27 (SB 46) provides that the soft drink tax will continue indefinitely to be deposited into the Medicaid Program Trust Fund and used exclusively as state match for federal funds under the Medicaid program.

# **FISCAL LEGISLATION**

**GENERAL REVENUE YEAR-END FUND BALANCES  
AVAILABLE FOR THE SECOND EXTRAORDINARY SESSION  
OF THE 79TH GENERAL ASSEMBLY**

		<b>JUNE 30, 1994 RECOVERED FUND BALANCE</b>
<b>FUND</b>	<b>FUND DESCRIPTION</b>	
BAD	Bureau of Alcohol & Drug Prevention	\$798,055.56
DAS	DHS-Human Services	626,503.86
DBA	DHS-Mental Health Services	971,021.16
DCF	DHS-Children & Family Services	9,214,152.10
DEA	DHS-Developmental Disabilities	3,567,479.22
DEM	DHS-Economic & Medical Services	749,063.57
DGF	DHS-Grants	4,622,320.40
DHP	DHS-Aging & Adult Services	154,526.07
EGA	Education Department	1,426,470.59
EGB	Vo-Tech Education - Admin.	744,018.82
EMA	Educational Television	262,972.00
EPA	State Library	335.65
ESA	Blind School	259,119.37
EVA	Deaf School	157,157.94
HCA	Corrections-General	8,847.76
HCP	Community Punishment Department	883,582.60
HLP	Livestock & Poultry	96,521.74
HMA	Pollution Control & Ecology	26,490.69
HMD	State Military Department	130,730.77
HOA	AR Industrial Development	390,105.87
HQA	Higher Education Department	925,656.65
HRA	Arkansas Heritage	68,549.40
HSA	Labor Department	169,880.06
HUA	State General Services	3,802,435.82
MJA	AR Crime Information Services	141,392.45
SDF	Forestry Department	163,077.18
SMP	AR State Police	1,083,824.67
<b>TOTAL</b>		<b>\$31,444,291.97</b>
Obligations:		
Department of Correction		
Local Jail Reimbursement		(9,000,000.00)
<b>NET YEAR END BALANCES</b>		<b><u>\$22,444,291.97</u></b>

APPROPRIATION MEASURES  
 CONSIDERED BY THE SECOND EXTRAORDINARY SESSION  
 OF THE  
 79TH GENERAL ASSEMBLY

CALL ITEM	BILL NO.	AGENCY	PURPOSE	AMOUNT	SOURCE OF FUNDS	# POS	ACT #
17	SB22	HUMAN SERVICES	JUVENILE DETENTION FACILITIES GRANTS TO COUNTIES AND CITIES REGIONAL ASSESSMENT CENTERS GRANTS	5,000,000 1,000,000	1993-94 FUND BALANCES		54
17	SB47	HUMAN SERVICES	ADEPT (ASSESSMENT, DIAGNOSIS, EVALUATION, PLACEMENT, AND TREATMENT SERVICES TO NON-ADJUDICATED AND ADJUDICATED YOUTH AND THEIR FAMILIES)	3,000,000	1993-94 FUND BALANCES		28
18	HB1013	MILITARY	CIVILIAN STUDENT TRAINING PROGRAM	1,064,149	1993-94 FUND BALANCES	22	48
19	HB1014	STATE POLICE	AUTOMATED FINGERPRINT ID SYSTEM	6,200,000	1993-94 FUND BALANCES		4
20	HB1015	CRIME INFORMATION CENTER	OPERATIONS & COMPUTER SYSTEM UPGRADE	494,000	1993-94 FUND BALANCES		14
22	SB24	SENTENCING COMMISSION	INFORMATION SYSTEM STUDY	50,000	EXISTING STATE GENERAL SERVICES FUNDS	6 PT	9
22	SB42	ADMIN OFFICE OF COURTS	SUPPLEMENTAL OPERATIONS	35,000	EXISTING STATE CENTRAL SERVICES FUNDS		24



2nd Special Session Appropriations  
(Continued)

CALL ITEM	BILL NO.	AGENCY	PURPOSE	AMOUNT	SOURCE OF FUNDS	# POS	ACT #
23	SB17	UALR-CRIMINAL JUSTICE INSTITUTE	OPERATIONS OF CRIMINAL JUSTICE INST.  LETA - TRAINING TRACK	1,900,848  500,000	1993-94 FUND BALANCES GENERAL IMPROV. FUND	35 + 5 PT	35
24	HB1016	CORRECTIONS	OPERATIONS SUPPLEMENTAL,	1,742,134	1993-94 FUND BALANCES		15
24	SB44	CORRECTIONS	BOARD PER DIEM				26
26	SB21	EDUCATION	ALTERNATIVE SCHOOLS GRANTS	2,000,000	PUBLIC SCHOOL FUND		7
27	SB25	CRIME LABORATORY	EXPANSION OF APPROPRIATION PURPOSE TO INCLUDE RENOVATION AND RELOCATION AND THE STATE POLICE - NO NEW MONEY EXPANSION OF CURRENT APPROPRIATION FOR STATE POLICE - NO NEW MONEY	2,775,523  3,000,000	GENERAL IMPROV. FUND		21
28	SB18	POLLUTION CONTROL	TIRE RECYCLING GRANTS	2,500,000	WASTE TIRE GRANT FUND (TRUST FUND)		5

✓



2nd Special Session Appropriations  
(Continued)

CALL ITEM	BILL NO.	AGENCY	PURPOSE	AMOUNT	SOURCE OF FUNDS	# POS	ACT #
29	SB20	DFA- DISBURSING	DISASTER ASSISTANCE GRANTS	2,000,000	DISASTER ASSIST. FUND (INTEREST EARNINGS)		6
✓ 30	SB23	EDUCATION- VO TECH	FEDERAL SURPLUS PROPERTY SUPPLEMENTAL	100,000	FEDERAL SURPLUS PROPERTY FUND		8
31	SB19	MID-SOUTH CC  SAU-TECH	EXTRA HELP PART TIME FACULTY  FIRE TRAINING FACILITY	150,000	GENERAL IMPROV. FUND	50P T 50P T	20
✓ 32	HB1030	EDUCATION	MATH & SCIENCE SCHOOL POSITIONS	0		4	50
✓ 33	HB1011	EDUCATION	GED TEST STUDY	125,000	GENERAL EDUCA- TION FUND		3
39	SB46	DHS-YOUTH	DHS YOUTH SERVICES FUND ACCOUNT CREATED MEDICAID TRUST FUND MADE PERMANENT				27
39	SB36	DHS-YOUTH	YOUTH SERVICES LOCKDOWN SERIOUS OFFENDER CONSTRUCTION	1,700,000 1,300,000	1993-94 FUND BALANCES	51	22



## ADMINISTRATIVE OFFICE OF THE COURTS

### Act 24 (SB 42)

- Provides \$35,000 in supplemental appropriation for professional fees and services to be payable from State Central Services Fund, which will allow the Administrative Office of the Courts to have a study completed for Washington County to determine how the computer systems of the Circuit and Chancery Judges, Circuit Clerks, Public Defender's Office, Prosecutor's Office, and Law Enforcement Agencies may be integrated with the computer system of the Administrative Office of the Courts, the Arkansas Crime Information Center, the Arkansas Sentencing Commission and the Arkansas Department of Corrections. This study will serve as pilot project for possible application to other parts of the state.

## DEPARTMENT OF CORRECTION

### Act 15 (HB 1016)

- Authorizes appropriation and funding of \$1,742,134 during the 1995 fiscal year, for costs associated with the continued operation of 384 temporary beds for the remainder of the fiscal year.

### Act 26 (SB 44)

- Authorizes members of the Board of Correction and Community Punishment to receive up to three (3) days per diem each month for attending to Board or Department business.

## ARKANSAS CRIME INFORMATION CENTER

### Act 14 (HB 1015)

- Authorizes appropriation and funding of \$84,000 for Data Processing and \$410,000 for Computer System Upgrade for the 1995 fiscal year, in order to provide at least one information terminal in each county currently without such a terminal.

## STATE CRIME LABORATORY

### Act 21 (SB 25)

- Amends Act 868 of 1993 to provide for the allocation of sufficient office space by authorizing costs associated with expansion, renovation and relocation.

DEPARTMENT OF EDUCATION - GENERAL EDUCATION DIVISION

Act 7 (SB 21)

Alternative Schools Grants

- Appropriates an additional \$2,000,000 for the 1995 fiscal year from the Public School Fund for new or existing alternative schools.

Act 50 (HB 1030)

Math & Science School

- Authorizes four (4) additional positions for the 1995 fiscal year.

Act 3 (HB 1011)

Exit Exam Pilot Program

- Appropriates \$125,000 for the 1995 fiscal year for a pilot program to determine whether the GED test is an appropriate alternative for use as a high school exit exam.

DEPARTMENT OF EDUCATION - VOCATIONAL TECHNICAL EDUCATION DIVISION

Act 8 (SB 23)

Federal Surplus Property

- Appropriates an additional \$100,000 for the 1995 fiscal year, to pay shipping and handling costs for the Federal Surplus Property Program.

DEPARTMENT OF HUMAN SERVICES

Act 27 (SB 46)

- Creates the Youth Services Fund Account of the Department of Human Services Fund.
- Amends Arkansas Code §§ 26-57-908 and 19-5-985 to remove sunset provisions regarding the collection and distribution of "soft drinks" tax revenues, which would have become general revenues effective July 1, 1995, but instead remain trust funds.
- Expresses intent of the Act that soft drinks tax revenues will never become general revenues of the state but will be used to match federal funds for the Arkansas Medicaid Program or its successor.

Act 54 (SB 22)

- Provides appropriation and funding in the amount of \$5 million for the DHS - Youth Services Division (YSD) - to provide grants to counties, cities, or both for constructing, equipping, renovating, and/or using electronic monitoring equipment for juvenile detention facilities, with the required funding being transferred from the General Revenue Allotment Reserve Fund (GAD) to the DHS - Children and Family Services Fund Account. This

Act also provides appropriation and funding in the amount of \$1 million for DHS - YSD to provide grants for constructing or operating Regional Assessment Centers, with this funding also being transferred from the GAD Fund to the DHS - Administration Fund Account.

This Act also provides that a maximum of \$100,000 of the \$5 million provided for juvenile detention facilities may be used for operating grants to a governmental subdivision in Union County and to a governmental subdivision in Drew County provided that the governmental subdivisions receiving such a grant shall have substantially completed a structure to house a juvenile detention facility by August 1, 1994. The Act further provides that full service juvenile detention facilities are eligible to receive up to a maximum of \$50,000 and 72-hour holdover juvenile detention facilities are eligible to receive up to a maximum of \$25,000 in operating grants. These operating grants may be offered from the effective date of this Act through January 1, 1995.

Act 22 (SB 36)

- Provides 51 additional positions to the DHS - Division of Youth Services (DYS) and a \$1.7 million transfer of funds from General Revenue Allotment Reserve Fund (GAD) to the DHS - Children & Family Services Fund Account to provide funding for operating expenses of an 84-bed hard lock down serious offender facility to be operated by the DHS - Division of Youth Services and located in the North Little Rock Jail. The North Little Rock Jail will be vacated effective September 1, 1994 and the DYS Program is targeted to begin operations on January 1, 1995.
- Provides appropriation and funding in the amount of \$1.3 million for construction, renovation, and equipping of the hard lock down serious offender program, with the \$1.3 million required funding to be transferred from the GAD to the General Improvement Fund.

Act 28 (SB 47)

- Provides DHS - Director's Office with \$3 million in appropriation for the Assessment, Diagnosis, Evaluation, Placement and Treatment (ADEPT) Program. In addition, the Act provides that the Chief Fiscal Officer must determine that DHS does not have sufficient funds that can be reallocated and that all obligations of the General Revenue Allotment Reserve Fund (GAD) have been met before he transfers a maximum of \$3 million from GAD to the DHS - Administration Fund Account for the ADEPT program.

## INSTITUTIONS OF HIGHER EDUCATION

Act 20 (SB 19)

### Mid-South Community College

- Authorizes an additional fifty (50) extra help positions and fifty (50) Part-Time Faculty positions.

### SAU-Tech-Fire Training Academy

- Appropriates \$150,000 from the General Improvement Fund for constructing and equipping Fire Training Satellite facilities in the Washington/Benton County area.

Act 35 (SB 17)

### University of Arkansas at Little Rock (UALR)

- Authorizes thirty-five (35) positions and appropriates \$1,900,848 for the 1994-95 fiscal year for operations of the Criminal Justice Institute, payable from the Dept. of Higher Education Grants Fund Account, with transfers authorized from the General Revenue Allotment Reserve Fund up to the amount of the appropriation. Directs the UALR Criminal Justice Institute to develop an intern and/or staffing procedure with the University of Arkansas at Pine Bluff to ensure minorities are adequately represented in the program and to report annually to the Joint Budget Committee.

## LAW ENFORCEMENT STANDARDS AND TRAINING

Act 35 (SB 17)

- Appropriates \$500,000 payable from the General Improvement Fund for constructing and equipping a Driver Training/Hazard Course at the Academy in East Camden.

## STATE MILITARY DEPARTMENT

Act 48 (HB 1013)

- Authorizes an additional twenty two (22) positions and \$1,064,149 of appropriation and funding for the 1995 fiscal year for personal services, operating expenses and Purchase/Construction of barracks facilities for a new Civilian Student Training Program for children ages 11 - 13 years old.

## ARKANSAS STATE POLICE

Act 21 (SB 25)

- Amends Act 752 of 1993 to provide for the allocation of sufficient office space by authorizing costs associated with construction, acquisition, equipment lease and rental.

Act 4 (HB 1014)

- Provides \$6,200,000 of appropriation and funding during the 1995 fiscal year, for the purchase, lease, or issuance of bonds for the purchase or lease of hardware or software and training for an Automated Fingerprint Identification System.

DEPARTMENT OF POLLUTION CONTROL & ECOLOGY

Act 5 (SB 18)

- Provides a supplemental appropriation of \$2.5 million for Waste Tire Recycling Grants to be payable from the Waste Tire Grant Fund. Increase required due to greater than expected collections of Waste Tire Fees.

ARKANSAS SENTENCING COMMISSION

Act 9 (SB 24)

- Appropriates a total of \$50,000 for the 1995 fiscal year for six (6) Extra Help positions and Study Expenses to enable the Commission to perform research and analysis on increased parole and mandatory sentences.

# APPENDIX



**Arkansas Code Sections Amended by Acts  
1993 General Assembly-Second Extraordinary Session of 1994**

<u>Arkansas Code</u>	<u>Act</u>	<u>Arkansas Code</u>	<u>Act</u>
5-1-102 (21) (22)	45	26-57-908	27
5-4-323	30 & 31	27-16-701	30&31
5-64-401 (a)	10 & 46	27-49-102	32
5-73-103	63	27-49-106	32
5-73-109 (b)	45	27-49-112	32
5-73-119	57 & 58		
5-73-129	41,42,55&56		
6-13-631	57 & 58		
6-15-407	47		
6-15-806	51		
6-17-112	51		
6-18-201	30 & 31		
6-18-222	30 & 31		
6-18-503	51		
6-18-505 (c)	51		
6-20-802	49		
6-20-1201	43		
9-27-303 (11)	11 & 36		
9-27-309	69 & 70		
9-27-313 (d)	55 & 56		
9-27-317	67 & 68		
9-27-318 (a) (b) (c)	39 & 40		
9-27-320 (a) (b)	69 & 70		
9-27-330	61 & 62		
9-27-331 (d)	61 & 62		
9-27-336	55 & 56		
9-27-339	69 & 70		
9-28-204 (b)	44		
9-28-209 (a)	44		
12-9-301 (2)	12		
12-9-307 (d)	12		
12-12-207 (d)	37 & 38		
12-12-1007 (e)	37 & 38		
12-12-1009 (a)	37 & 38		
12-27-104 (d) (1) (A)	26		
14-19-102	64		
14-19-108	64		
14-164-340	64		
16-13-326	61 & 62		
16-17-108 (yyyy)	29		
16-21-130	17 & 18		
16-90-803 (b) (1) (2)	59 & 60		
16-93-1301	19		
19-5-306 (4)	27		
19-5-985	27		
22-6-601 (a)	65		
24-3-104 (a) (7)	52		
24-3-416	52		
26-52-426 (a)	25		
26-53-137	25		

# **GENERAL LEGISLATION**

ARNALL

**SUMMARY  
OF ACTION BY**

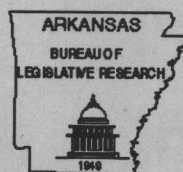
**SECOND**

**EXTRAORDINARY SESSION**

**OF THE  
79TH GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS**

**1994**

**August 15 through  
August 24, 1994**



**August, 1994**