

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Goodwin**

A BILL ACT 763 OF 1991
HOUSE BILL 1915

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE OF 1987
9 ANNOTATED; TO ESTABLISH YOUTH SERVICES CENTER COMMITMENT
10 CRITERIA; AND FOR OTHER PURPOSES.'

11

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

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15 SECTION 1. Arkansas Code 9-27-330 is amended to read as follows:

16 "9-27-330. Disposition - Generally - Alternatives.

17 If a juvenile is found to be delinquent, the court may enter an order
18 making any of the following dispositions:

19 (1) Transfer legal custody of the juvenile to the Department of Human
20 Services, or to another licensed agency responsible for the care of juveniles,
21 or to a relative or other individual.

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

24 (3) Commit the juvenile to a youth services center operated by the
25 Youth Services Board, using the Risk Assessment System for Arkansas Juvenile
26 Offenders developed by the 1990 Youth Services Center Commitment Criteria
27 Review Committee, to be distributed and administered by the Administrative
28 Office of the Courts. In an order of commitment, the court may recommend that
29 a juvenile be placed in a community-based program instead of a youth services
30 center, and shall make specific findings in support of such a placement in the
31 order. Upon receiving an order of commitment with recommendations for
32 placement in a community-based program, the Youth Services Board shall
33 consider the recommendations of the committing court in making its placement
34 to a youth services center or to a community-based alternative."

35 (4) Place the juvenile on probation under those conditions and
36 limitations that the court may prescribe pursuant to 9-27-339(a).

1 (5) Assess a court cost of no more than thirty-five dollars (\$35.00) to
2 be paid by the juvenile or his parent, guardian, or custodian.

3 (6) Order restitution to be paid by the juvenile or his parent,
4 guardian, or custodian.

5 (7) Order a fine of not more than five hundred dollars (\$500) to be
6 paid by the juvenile or his parent, guardian, or custodian.

7 (8) Order that the juvenile participate in court-approved public
8 service not to exceed one hundred sixty (160) hours."

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10 SECTION 2. Arkansas Code 9-27-331(a) is amended to read as follows:

11 "9-27-331. Disposition - Generally - Limitations.

12 (a) (1) A commitment to a youth services center operated
13 by the Youth Services Board is for an indeterminate period, not to exceed the
14 eighteenth birthday of the juvenile.

15 (2) An order of commitment shall remain in effect for an
16 indeterminate period not exceeding two (2) years from the date entered.

17 (3) Prior to the expiration of an order of commitment, the court
18 may extend the order for additional periods of one (1) year if it finds the
19 extension is necessary to safeguard the welfare of the juvenile or the
20 interest of the public.

21 (4) The committing court may recommend, at any time, that a
22 juvenile be released from the custody of the Board by making a written request
23 for release stating the reasons release is deemed in the best interests of the
24 juvenile and society.

25 (5) Length of commitment and final decision to release shall be
26 the exclusive responsibility of the Youth Services Board."

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28 SECTION 3. Arkansas Code 9-28-209(a) is amended to read as follows:

29 "9-28-209. Disposition of delinquent youth.

30 (a) (1) When a juvenile court, circuit court, or any other court
31 having jurisdiction of a youth under eighteen (18) years of age finds the
32 youth to be delinquent or to have committed a crime as defined by the laws of
33 this state, the court may commit the youth to a youth services center operated
34 by the Arkansas Youth Services Board for an indeterminate period, not to
35 exceed the eighteenth birthday of the youth, for such action as the board

1 shall determine.

2 (2) An order of commitment shall remain in effect for an
3 indeterminate period not exceeding two (2) years, subject to extension by the
4 committing court for additional periods of one (1) year if the court finds an
5 extension is necessary to safeguard the welfare of the youth or the interest
6 of the public.

7 (3) When an order of commitment includes recommendations that a
8 juvenile be placed in a community-based program instead of a youth services
9 facility, the board shall consider those recommendations in making a
10 placement. The board has the authority to move a youth at any time within its
11 system of youth services facilities and community-based programs."

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13 SECTION 4. Arkansas Code 9-28-210(b) is amended to read as follows:

14 "(b) The board shall establish rules and regulations regarding the
15 eligibility of youths for release consideration."

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17 SECTION 5. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 6. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 7. All laws or parts of laws in conflict with this act are
28 hereby repealed.

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30 SECTION 8. EMERGENCY. It is hereby found and determined by the General
31 Assembly that it is necessary to prohibit the unnecessary incarceration of
32 juveniles, to prohibit such juveniles from being treated as criminals, to
33 place such juveniles under proper care; and that the immediate passage of this
34 act is necessary for the protection of juveniles. Therefore, an emergency is
35 hereby declared to exist and this act being necessary for the preservation and

1 protection of the public peace, health and safety shall be in full force and
2 effect from and after its passage and approval.

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APPROVED: 3/26/91