

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Senators Lewellen, Edwards, and Bell**

Call Item 1
ACT 39 OF 1994
SENATE BILL 4

A Bill

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 9-27-318(a),
9 (b), AND (c) TO INCLUDE ADDITIONAL OFFENSES FOR WHICH A
10 PROSECUTING ATTORNEY MAY CHARGE A FOURTEEN- OR
11 FIFTEEN-YEAR-OLD JUVENILE IN CIRCUIT COURT; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

15 "TO INCLUDE ADDITIONAL OFFENSES FOR
16 WHICH A PROSECUTING ATTORNEY MAY CHARGE
17 A FOURTEEN- OR FIFTEEN-YEAR-OLD JUVENILE
18 IN CIRCUIT COURT"

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Annotated 9-27-318(a), (b), and (c) are
23 amended to read as follows:

24 "(a) A juvenile court has exclusive jurisdiction when a delinquency
25 case involves a juvenile:

26 (1) Less than fourteen (14) years old when the alleged delinquent
27 act occurred;

28 (2) Less than sixteen (16) years old when he engages in conduct
29 that, if committed by an adult, would be any felony not listed in (b)(2) or
30 the offense in (b)(3);

31 (3) Less than eighteen (18) years old when he engages in conduct
32 that, if committed by an adult, would be any misdemeanor.

33 (b) A circuit court and a juvenile court have concurrent jurisdiction
34 and a prosecuting attorney may charge a juvenile in either court when a case
35 involves a juvenile:

36 (1) At least sixteen (16) years old when he engages in conduct

1 that, if committed by an adult, would be any felony;

2 (2) Fourteen (14) or fifteen (15) years old when he engages in
3 conduct that, if committed by an adult would be: capital murder (5-10-101),
4 murder in the first degree (5-10-102), murder in the second degree (5-10-103),
5 kidnapping (5-11-102), aggravated robbery (5-12-103), rape (5-14-103), battery
6 in the first degree (5-13-201), battery in the second degree in violation of
7 5-13-202(a) (2) (3) or (4), possession of a handgun on school property
8 (5-73-119), aggravated assault (5-13-204), terroristic act (5-13-310),
9 unlawful discharge of a firearm from a vehicle (5-74-107), any felony
10 committed while armed with a firearm, soliciting a minor to join a criminal
11 street gang, criminal use of a prohibited weapon (5-73-104), or a felony
12 attempt, solicitation or conspiracy to commit any of the *following offenses*:
13 *capital murder (5-10-101), murder in the first degree (5-10-102), murder in*
14 *the second degree (5-10-103), kidnapping (5-11-102), aggravated robbery (5-12-*
15 *103), rape (5-14-103), and battery in the first degree (5-13-201);*

16 (3) At least fourteen (14) years old when he engaged in conduct
17 that constitutes a felony under Arkansas Code Annotated §5-73-119(a) (1).

18 (c) If a prosecuting attorney can file charges in circuit court for an
19 act allegedly committed by a juvenile, the prosecutor may file any other
20 criminal charges that arise out of the same act or course of conduct in the
21 same circuit court case if, after a hearing before the juvenile division of
22 chancery court, a motion to transfer is so ordered."

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24 SECTION 2. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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SECTION 5. EMERGENCY. It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas meeting in the Second Extraordinary Session of 1994 that the number of serious offenses committed by juveniles has increased dramatically and that the discretion of prosecuting attorneys to charge serious juvenile offenders in circuit court should be broadened in order to deal effectively with those juveniles. Therefore, in order to invest prosecuting attorneys immediately with additional discretion to charge serious juvenile offenders in circuit court, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

/s/Lewellen, et al.

APPROVED: 8-25-94

