

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Senator Hardin**

A Bill

Call Item No. 8
ACT 44 OF 1994
SENATE BILL 40

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 9-28-209 (a) CONCERNING
9 COMMITMENT OF OLDER YOUTHS TO A YOUTH SERVICES CENTER; TO
10 AMEND ARKANSAS CODE 9-28-204 (b) TO PROVIDE THAT THE
11 ARKANSAS YOUTH SERVICES BOARD SHALL PROVIDE DIRECTION FOR
12 COMMITMENT ALTERNATIVES FOR YOUTHS UP TO AGE TWENTY-ONE;
13 AND FOR OTHER PURPOSES."

Subtitle

14
15 "AN ACT CONCERNING COMMITMENT OF OLDER
16 YOUTHS TO A YOUTH SERVICES CENTER OR
17 ALTERNATE SETTING."
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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 9-28-209 (a) is amended to read as follows:

24 "(a) (1) When a juvenile court, circuit court, or any other court having
25 jurisdiction of a youth under eighteen (18) years of age finds the youth to be
26 delinquent or to have committed a crime as defined by the laws of this state,
27 the court may commit the youth to a youth services center operated by the
28 Arkansas Youth Services Board for an indeterminate period, not to exceed the
29 twenty-first birthday of the youth, for such action as the board shall
30 determine. Commitment shall not exceed the eighteenth birthday of the youth
31 unless the Arkansas Youth Services board determines that an adequate facility
32 or facility is available for youth eighteen (18) years of age or older.

33 (A) An order of commitment shall remain in effect for an
34 indeterminate period not exceeding two (2) years, subject to extension by the
35 committing court for additional periods of one (1) year if the court finds an
36 extension is necessary to safeguard the welfare of the youth or the interest

1 of the public.

2 (B) When an order of commitment includes recommendations
3 that a juvenile be placed in a community-based program instead of a youth
4 services facility, the board shall consider those recommendations in making a
5 placement.

6 (2) The board has the authority to move a youth at any time within its
7 system of youth services facilities and community-based programs."

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9 SECTION 2. Arkansas Code 9-28-204 (b) is amended to read as follows:

10 "(b) The board shall provide direction for the development of
11 community-based alternatives to the incarceration of youth up to the age of
12 twenty-one (21) years who:

13 (1) Exhibit behavior that if continued would possibly bring them
14 into contact with law enforcement or judicial systems;

15 (2) Are adjudicated delinquent;

16 (3) Have committed an act which if committed by an adult would
17 not have been considered a crime; or

18 (4) Have been found guilty of a crime and sentenced to a youth
19 services center."

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21 SECTION 3. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 4. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 5. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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34 SECTION 6. EMERGENCY. It is hereby found and determined by the General
35 Assembly that under present law a youth committed to a youth services facility

1 must be released upon attaining eighteen years of age; that this act extends
2 the period to age twenty-one while prohibiting youths over eighteen from being
3 held in the same facility with youths under age eighteen; that this is
4 immediately necessary to strengthen the law concerning commitment of youths.
5 Therefore, an emergency is hereby declared to exist and this act being
6 necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after its passage and
8 approval.

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APPROVED: 8-25-94

