

Act 427 of the 1989 Regular Session.

Act 427

SB205

By: Senator Malone

"AN ACT TO CREATE THE JUVENILE DETENTION FACILITIES REVIEW COMMISSION; AND FOR OTHER PURPOSES."

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

SECTION 1. For the purpose of this act:

(a) "Coordinator" is the person appointed by the Governor under the provisions of Arkansas Code of 1987 Annotated 12-26-103.

(b) "Criminal Detention Review Committee" or "Committee" means a committee which was appointed by the several District Circuit Judges and created under the provisions of Arkansas Code of 1987 Annotated 12-26-105.

(c) "Guidelines for Operating Juvenile Detention Facilities" means those guidelines which will result from the work of the Juvenile Detention Facilities Review Commission.

(d) "Intermediate/Long-Term Facility" means a criminal detention institution in which prisoners may be held from time of intake up to one (1) year.

(e) "Juvenile Detention Facilities Review Commission" means the Commission established in Section 2 hereof.

(f) "Juvenile Detention Facility" means any facility for the temporary care of juveniles alleged to be or adjudicated delinquent who require secure custody in a physically restricting facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing a juvenile to leave the facility unsupervised or without permission.

(g) "Short-Term Facility" means any institution operated by a local unit of government in which persons may be incarcerated from time of initial intake up to sixty (60) days.

(h) "Twenty-Four Hour or Overnight Facility" means any institution operated by a local unit of government in which persons may be incarcerated from time of intake up to twenty-four (24) hours.

SECTION 2. (a) There is hereby established a Juvenile Detention Facilities Review Commission, the members of which shall be appointed by the Governor.

(b) The Commission shall be responsible for developing guidelines for the operation of Juvenile Detention Facilities.

(c) The Commission shall utilize the "Standards for Juvenile Detention Facilities", Second Edition, January 1983, developed by the American Correctional Association in cooperation with the Commission on Accreditation for Corrections, as a guide in developing the guidelines.

(d) The Coordinator of the Commission shall make himself available to the Commission in the capacity of an advisor.

(e) The Commission membership shall consist of fifteen (15) persons drawn from the following disciplines, professions, groups, and associations in numbers as shown:

- (1) Three (3) sheriffs;
- (2) Three (3) chiefs of police;
- (3) One (1) attorney at law;

- (4) One (1) prosecuting attorney;
- (5) Two (2) architects;
- (6) One (1) representative of the Division of Children and Family Services of the Department of Human Services;
- (7) One (1) Youth Service Providers Association member;
- (8) Two (2) juvenile detention facility officers/directors; and
- (9) One (1) county judge.

(f) On those dates when the Commission members shall be called upon to perform actual duties, each member shall be paid per diem at the rate of fifty dollars (\$50.00) per day, lodging costs not to exceed sixty dollars (\$60.00) per day on a reimbursable, receipt-required basis, travel expense at the established state rate and incidental expenses such as parking, telephone and postage spent in connection with their work. The Commission may call upon one (1) or more professional advisors such as a medical doctor, a nutritionist, an educator, or a dentist, as needed. These shall be reimbursed, as prescribed above, when called upon to perform actual duties. The Coordinator shall be responsible for certifying all Commission vouchers to appropriate personnel of the Department of Finance and Administration for payment.

(g) The Commission will dissolve itself at the conclusion of the business meeting at which they approve the final printed copy of the guidelines.

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

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

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that a need exists to develop Guidelines for Operating Juvenile Detention Facilities within the state to insure all Juvenile Detention Facilities are operated in a safe, secure, and legal manner, and that immediate action is necessary. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation and protection of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 9, 1989

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