

Act 76 of the Third Special Session of 1989.

Act 76

HB1003

By: Representatives Flanagan, Lipton and Newman

For An Act To Be Entitled  
"AN ACT TO AMEND SECTION 35(b)(1) AND (2) OF ACT 273 OF 1989  
TO ALLOW JUVENILES TO BE SUPERVISED BY THE SAME JAIL STAFF AS  
INCARCERATED ADULTS; TO INCREASE THE PERIOD OF TIME AN  
ALLEGED DELINQUENT JUVENILE MAY BE DETAINED; AND FOR OTHER  
PURPOSES."

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

SECTION 1. Subparagraphs (1) and (2) of paragraph (b) of Section 35 of Act 273 of 1989 are amended to read as follows:

"(1) A juvenile who has been formally transferred from juvenile court to circuit court and against whom felony charges have been filed or a juvenile for whom the prosecuting attorney has the discretion to charge in circuit court and to prosecute as an adult and the circuit court's jurisdiction has been invoked by the filing of felony charges may be held in an adult jail or lock-up;

(2) A juvenile alleged to have committed a delinquent act may be held in an adult jail or lock-up for up to six (6) hours for purposes of identification, processing, or arranging for release or transfer to an alternative facility, provided he is separated by sight and sound from adults who are pre-trial detainees or convicted persons. A holding for those purposes shall be limited to the minimum time necessary and shall not include travel time for transporting the juvenile to the alternative facility; or

(3) A juvenile alleged to have committed a delinquent act who is awaiting an initial appearance before a judge may be held in an adult jail or lockup for up to twenty-four (24) excluding weekends and holidays hours provided the following conditions exist:

(A) the alleged act would be a misdemeanor or a felony if committed by an adult; and

(B) the geographic area having jurisdiction over the juvenile is outside a metropolitan statistical area pursuant to the Bureau of Census' current designation; and

(C) no acceptable alternative placement for the juvenile exists; and

(D) the juvenile is separated by sight and sound from adults who are pre-trial detainees or convicted persons."

SECTION 2. 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 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that the Juvenile Code of 1989 has unreasonably restricted law enforcement officers in their ability to detain juveniles alleged to have committed delinquent acts, that federal requirements permit holding an alleged juvenile for up to twenty-four (24) hours, that it is imperative that law

enforcement officers be permitted to hold juveniles longer in order to determine whether the juvenile should be detained or released prior to adjudication. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 17, 1989

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