

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Brown**

A Bill

ACT 798 OF 1995
SENATE BILL 240

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 9-21-330 TO ALLOW
9 JUVENILE COURTS TO SENTENCE JUVENILES ADJUDICATED
10 DELINQUENT TO HAVE THEIR DRIVING PRIVILEGES SUSPENDED AND
11 TO GIVE JUVENILE JUDGES THE AUTHORITY TO CREATE SENTENCING
12 ALTERNATIVES FOR JUVENILES ADJUDICATED DELINQUENT; AND FOR
13 OTHER PURPOSES."

Subtitle

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16 "TO ALLOW JUVENILE COURTS TO SUSPEND THE
17 DRIVING PRIVILEGES OF DELINQUENT
18 JUVENILES AND TO GIVE JUVENILE JUDGES
19 THE AUTHORITY TO CREATE SENTENCING
20 ALTERNATIVES."

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

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24 SECTION 1. Arkansas Code § 9-27-330(a) is amended to read as follows:

25 "(a) If a juvenile is found to be delinquent, the court may enter an
26 order making any of the following dispositions:

27 (1) Transfer legal custody of the juvenile to the Department of
28 Human Services, or to another licensed agency responsible for the care of
29 juveniles, or to a relative or other individual;

30 (2) Order the juvenile or members of the juvenile's family to
31 submit to physical, psychiatric, or psychological evaluations;

32 (3) Commit the juvenile to a youth services center operated by
33 the Arkansas Youth Services Board, using the Risk Assessment System for
34 Arkansas Juvenile Offenders developed by the 1990 Youth Services Center
35 Commitment Criteria Review Committee to be distributed and administered by the
36 Administrative Office of the Courts.

1 (A) In an order of commitment, the court may recommend that
2 a juvenile be placed in a community-based program instead of a youth services
3 center, and shall make specific findings in support of such a placement in the
4 order.

5 (B) Upon receiving an order of commitment with
6 recommendations for placement in a community-based program, the Arkansas Youth
7 Services Board shall consider the recommendations of the committing court in
8 making its placement to a youth services center or to a community-based
9 alternative;

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

12 (B) (i) In addition, the court shall have the right, as a
13 term of probation, to require the juvenile to attend high school or make
14 satisfactory progress toward a general education development certificate.

15 (ii) The court shall have the right to revoke
16 probation if the juvenile fails to regularly attend high school classes or if
17 satisfactory progress toward a general education development certificate is
18 not being made;

19 (5) Order a probation fee, not to exceed twenty dollars (\$20.00)
20 per month, as provided in § 16-13-326(a);

21 (6) Assess a court cost of no more than thirty-five dollars
22 (\$35.00) to be paid by the juvenile, his parent, both parents, or his
23 guardian;

24 (7) (A) Order restitution to be paid by the juvenile, a parent,
25 both parents, the guardian, or his custodian.

26 (B) If the custodian is the State of Arkansas, both
27 liability and the amount which may be assessed shall be determined by the
28 Arkansas State Claims Commission;

29 (8) Order a fine of not more than five hundred dollars (\$500) to
30 be paid by the juvenile, a parent, both parents, or the guardian;

31 (9) Order that the juvenile or the parents or guardians of the
32 juvenile, or both participate in court-approved public service not to exceed
33 one hundred sixty (160) hours;

34 (10) (A) (i) Order that the juvenile remain in a juvenile detention
35 facility for an indeterminate period not to exceed ninety (90) days.

1 (ii) The court may further order that the juvenile be
2 eligible for work release or to attend school or other educational or
3 vocational training.

4 (B) The juvenile detention facility shall afford
5 opportunities for education, recreation, and other rehabilitative services to
6 adjudicated delinquents;

7 (11) Place the juvenile on residential detention with electronic
8 monitoring, either in the juvenile's home or in another facility as ordered by
9 the court;

10 (12) (A) Order the parent, both parents, or the guardian of any
11 juvenile adjudicated delinquent and committed to a youth services center,
12 detained in a juvenile detention facility, or placed in foster care, to be
13 liable for the cost of the commitment, detention, or foster care.

14 (B) (i) The court shall take into account the financial
15 ability of the parent, both parents, or the guardian to pay for such
16 commitment, detention, or foster care.

17 (ii) The court shall take into account the past
18 efforts of the parent, both parents, or the guardian to correct the delinquent
19 juvenile's conduct.

20 (iii) The court shall take into account if the parent
21 is a noncustodial parent, the court may take into consideration the
22 opportunity the parent has had to correct the delinquent juvenile's conduct.

23 (iv) The court shall take into account any other
24 factors the court deems relevant;

25 (13) Order the Department of Finance and Administration to
26 suspend the driving privileges of any juvenile adjudicated delinquent. The
27 order shall be prepared and transmitted to the department within twenty-four
28 (24) hours after the juvenile has been found delinquent and is sentenced to
29 *have his driving privileges suspended. The court may provide in the order for*
30 *the issuance of a restricted driving permit to allow driving to and from a*
31 *place of employment or driving to and from school or for other circumstances.*

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33 SECTION 2. All provisions of this act of general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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

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

/s/Brown

APPROVED: 3-27-95

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