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4

As Engrossed: S3/19/15

A Bill

SENATE BILL 982

5 *By: Senators Irvin, K. Ingram, L. Chesterfield, Elliott*
6 *By: Representatives Scott, C. Armstrong, Blake, D. Ferguson, V. Flowers, M. Hodges, Nicks, Richey,*
7 *Tucker, Walker*
8

For An Act To Be Entitled

10 AN ACT TO *IMPROVE THE EFFECTIVENESS OF THE JUVENILE*
11 *JUSTICE SYSTEM*; TO PROVIDE ADEQUATE OVERSIGHT OF
12 COMMITMENT REDUCTION SERVICES; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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17 *TO IMPROVE THE EFFECTIVENESS OF THE*
18 *JUVENILE JUSTICE SYSTEM; AND TO PROVIDE*
19 *ADEQUATE OVERSIGHT OF COMMITMENT*
20 *REDUCTION SERVICES.*
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. DO NOT CODIFY. Legislative findings and intent.*

26 *(a) The General Assembly finds that:*

27 *(1) When effective community-based services are not available as*
28 *an alternative to incarceration, the results are the secure confinement of*
29 *youths who pose little or no threat to public safety;*

30 *(2) When effective community-based alternatives are in place,*
31 *use of confinement and commitments to the Division of Youth Services of the*
32 *Department of Human Services can be reduced with no compromise of public*
33 *safety; and*

34 *(3) The state can realize significant fiscal savings, while*
35 *positively impacting the lives of youthful offenders, by encouraging and*
36 *investing in the use of effective community-based alternatives, and by*



1 reserving the use of state commitments and secure confinement for youthful
2 offenders who pose a serious risk to public safety.

3 (b) The purpose of this act is to establish a mandate for the
4 provision of services to reduce youth incarceration, and to provide oversight
5 and accountability for the effectiveness of commitment reduction services to
6 the state and to stakeholders in the juvenile justice system.

7
8 SECTION 2. Arkansas Code § 9-28-203(a) and (b), concerning the powers
9 and duties of the Division of Youth Services of the Department of Human
10 Services, are amended to read as follows:

11 (a) The Division of Youth Services of the Department of Human Services
12 shall perform the following functions and have the authority and
13 responsibility to:

14 (1) Coordinate communication among the various components of the
15 juvenile justice system;

16 (2) Oversee reform of the state's juvenile justice system;

17 (3) Provide services to delinquent and families-in-need-of-
18 services youths;

19 (4) Conduct research into the causes, nature, and treatment of
20 juvenile delinquency and related problems;

21 (5) Develop programs for early intervention and prevention of
22 juvenile delinquency;

23 (6) Maintain information files on juvenile delinquents in the
24 state;

25 (7) Develop effective community-based alternatives to
26 confinement, incarceration, and commitment of youths;

27 (8) Actively pursue the maximization of federal funding for
28 juvenile delinquency and related programs;

29 ~~(8)~~(9) Evaluate the effectiveness and efficiency of the programs
30 and services offered by the division and recommend changes to the Governor;

31 ~~(9)~~(10) Provide a system of education in residential facilities
32 operated by the division that conform to the guidelines established by the
33 Department of Education and as set forth in § 9-28-205; and

34 ~~(10)~~(11) Do and perform all other actions and exercise all other
35 authority not inconsistent with the provisions of this subchapter as ~~may be~~
36 necessary to carry out the purposes and intent of this subchapter.

1 (b) In addition to other duties enumerated in this subchapter, the
2 division shall provide services as follows:

3 (1) The Civilian Student Training Program shall provide services
4 to youths that shall consist of, but not be limited to, school reintegration,
5 counseling, tutoring, job placement counseling, corrective behavior skill
6 counseling, and training;

7 (2)(A) Case management services ~~will~~ shall include, but not be
8 limited to:

9 (i) Making placement recommendations to court
10 authorities; and

11 (ii) Arrangement, coordination, and monitoring of
12 services for a juvenile.

13 (B) These services may be acquired by agreement with
14 community providers, other agencies, or individuals as ~~may be~~ necessary;

15 (3)(A) Client-specific services shall consist of, but not be
16 limited to:

17 (i) Independent living, tracker, or proctor
18 services;

19 (ii) Family or individual therapy; and

20 (iii) Individualized treatment or supportive care
21 services.

22 (B) ~~These services may be acquired by agreement with~~
23 ~~community providers or other agencies or individuals deemed professionally~~
24 ~~capable of delivering the required services~~ comprehensive community-based
25 providers capable of delivering the required continuum of services;

26 (4)(A) Reduction in commitment services shall include services
27 to address public safety, supervision, and rehabilitative needs of youths who
28 may otherwise be detained, incarcerated, or committed to the Division of
29 Youth Services.

30 (B) Reduction in commitment services may include without
31 limitation:

32 (i) Electronic monitoring;

33 (ii) Family or individual therapy;

34 (iii) Day treatment services;

35 (iv) Residential or outpatient mental health
36 counseling, sex offender counseling, or substance abuse counseling;

1 (v) Parenting classes for youths or custodians;

2 (vi) Respite care; and

3 (vii) Emergency shelter services.

4 (C) These services may be acquired by agreement with
5 comprehensive community-based providers capable of delivering the required
6 continuum of services.

7 (D) The division shall collect data regarding the
8 effectiveness of these services and report semiannually to the Youth Justice
9 Reform Board;

10 ~~(4)(A)(5)(A)~~ Serious offender programs, for youths charged with
11 violent offenses, shall consist of appropriate residential treatment programs
12 at any of the youth services centers or facilities.

13 (B) Serious offender programs or community-based programs
14 may be acquired by agreements with entities or agencies deemed appropriate
15 and capable of providing such services;

16 ~~(5)(6)~~ Less restrictive community-based programs selected by the
17 Director of the Division of Youth Services of the Department of Human
18 Services for youths not deemed at risk of performing violent offenses;

19 ~~(6)(A)(7)(A)~~ Observation and assessment services shall consist
20 of, but not be limited to, those activities necessary to ensure appropriate
21 recommendations for intervention, services, and placement of low-risk and
22 medium-risk juveniles.

23 (B) Observation and assessment services may be acquired by
24 agreements with community providers or other agencies or individuals deemed
25 to have the appropriate level of expertise to perform observation and
26 assessment or diagnosis and evaluation;

27 ~~(7)(A)(8)(A)~~ Residential observation and assessment services
28 shall consist of, but not be limited to, those activities necessary to ensure
29 appropriate recommendations for intervention, services, and placement of
30 high-risk juveniles.

31 (B) Residential observation and assessment services may be
32 performed by or at appropriate state-operated facilities or by agreement with
33 appropriate agencies or individuals deemed to have the appropriate level of
34 expertise to perform residential observation and assessment or diagnosis and
35 evaluation;

36 ~~(8)(A)(i)(9)(A)(i)~~ Community-based alternative basic services

1 shall consist of, but not be limited to, prevention, intervention, casework,
2 treatment, counseling, observation and assessment, case management, and
3 residential services.

4 (ii) Primary goals for community-based alternative
5 basic services shall be the prevention of youths from entering the juvenile
6 justice system and the provision of professional, community-based, least-cost
7 services to youths.

8 (B) These services ~~shall~~ may be acquired by agreements
9 with ~~local community providers or other agencies or individuals deemed~~
10 ~~professionally capable and appropriate to deliver such services~~ comprehensive
11 community-based providers capable of delivering the required continuum of
12 services; and

13 ~~(9)(A)(10)(A)~~ Expanded services may consist of, but not be
14 limited to:

15 (i) Expansion of existing programs;

16 (ii) Specific programs for alcohol, drug, or sex
17 offenders;

18 (iii) Special therapeutic treatment programs or
19 client-specific services in which a consistent population has been defined as
20 in need of multidiscipline care and services; ~~and~~

21 (iv) Expansion of proven, effective, early
22 intervention and prevention program activities; and

23 (v) Restoration of previously proven effective
24 interventions that prevent incarceration.

25 (B) Utilization of funds appropriated for expanded
26 services shall be as directed by the director.

27
28 SECTION 3. Arkansas Code Title 9, Chapter 28, is amended to add an
29 additional subchapter to read as follows:

30 Subchapter 12 – Youth Justice Reform Board

31
32 9-28-1201. Youth Justice Reform Board – Creation – Membership.

33 (a) To ensure statewide accountability for the delivery of youth
34 services consistent with this Act, the Division of Youth Services of the
35 Department of Human Services shall create the Youth Justice Reform Board no
36 later than sixty (60) days following the effective date of this section,.

1 (b)(1) The members of the Youth Justice Reform Board shall be selected
2 by the Director of the Division of Youth Services of the Department of Human
3 Services for a single four-year term, with appointments approved by the
4 Governor.

5 (2) The Youth Justice Reform Board shall be composed of a
6 maximum of twenty-one (21) representatives who have demonstrated a commitment
7 to improving youth services, with individuals selected from key stakeholder
8 groups, including without limitation:

9 (A) Juvenile justice system-involved families;

10 (B) Youths who have received or are receiving services
11 delivered by the division;

12 (C) Representatives from the Department of Education,
13 Department of Workforce Services, the Division of Children and Family
14 Services of the Department of Human Services, and the Division of Behavioral
15 Health Services of the Department of Human Services;

16 (D) Youth services providers;

17 (E) Circuit court judges who routinely preside over
18 juvenile cases;

19 (F) The Administrative Office of the Courts;

20 (G) Prosecuting attorneys or deputy prosecuting attorneys
21 who are routinely involved in juvenile delinquency cases;

22 (H) Public defenders or deputy public defenders who are
23 routinely involved in juvenile delinquency cases;

24 (I) Advocacy groups, including the designated state
25 protection and advocacy group for individuals with disabilities, and other
26 research and advocacy groups with established leadership for children and
27 families in Arkansas;

28 (J) The Juvenile Ombudsman;

29 (K) Members of the Arkansas Coalition for Juvenile Justice
30 Board;

31 (L) Members of the Arkansas Supreme Court's Commission on
32 Children, Youth, and Families' Subcommittee on Juvenile Justice Reform; and

33 (M) Experts in adolescent development.

34 (c) The Director of the Division of Youth Services of the Arkansas
35 Department of Human Services, or his or her designee, shall serve as chair of
36 the Youth Justice Reform Board.

1 (d) The Youth Justice Reform Board shall meet at least quarterly.

2 (e) The Division of Youth Services shall provide administrative
3 support necessary for the Youth Justice Reform Board to perform its duties.

4 (f) The Youth Justice Reform Board shall cease operation by June 30,
5 2019.

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7 9-28-1202. Powers and duties.

8 (a) As used in this section:

9 (1) "Proven effective alternatives" means interventions,
10 supports, programs, and practices that are recognized as best practices based
11 on rigorous evaluation and research, or are based on a clear and well-
12 articulated theory or conceptual framework for delinquency prevention. These
13 include, without limitation, community-based services which are currently
14 provided or have been provided and have demonstrated to be effective in
15 reducing secure confinement and institutional placement of youthful
16 offenders;

17 (2) "Secure confinement" means confinement in a public or
18 private residential facility which includes construction fixtures designed to
19 physically restrict the movements and activities of individuals held in
20 lawful custody and is used for the placement and disposition of a juvenile
21 adjudicated to be delinquent; and

22 (3) "Serious risk to public safety" means a high risk that a
23 youth will reoffend without intervention as measured by a validated risk
24 assessment.

25 (b) The Youth Justice Reform Board shall:

26 (1) Assist the Division of Youth Services of the Department of
27 Human Services in determining the method for calculating savings realized
28 from reduced state commitments and in educating the public about the plan
29 developed to reduce reliance on secure confinement; and

30 (2)(A) Make annual reports to the division, the Governor, and
31 the General Assembly regarding system reform and improvements needed to
32 implement the goals and purposes of this subchapter.

33 (B) By no later than June 30, 2016, the Youth Justice
34 Reform Board shall submit to the Division of Youth Services, the Governor,
35 and the General Assembly a plan to reduce over a two-year period the use of
36 secure confinement for youths who do not present a serious risk to public

1 safety.

2 (C) The plan to reduce secure confinement shall include
3 measurable objectives for developing and maintaining proven effective
4 alternatives to secure confinement in communities statewide, as well as
5 strategies to achieve those objectives throughout all parts of the juvenile
6 justice system.

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8 (c) To provide needed expertise, the Youth Justice Reform Board may
9 seek outside technical assistance to aid its work.

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11 9-28-1203 Summary of savings.

12 (a) The Division of Youth Services of the Department of Human
13 Services, through the Youth Justice Reform Board, no later than July 1, 2016,
14 shall establish a method to calculate state costs saved from the avoidance of
15 and reductions in youthful offender commitments by each judicial district.

16 (b) The division shall include in its annual report a summary of the
17 data and method used to calculate savings generated from a reduction in
18 commitments, the total amount of savings generated, and the impact of such
19 reduction on public safety and youth outcomes.

20 (c) The General Assembly shall consider the summary of savings in
21 making appropriations to the division to allow for the support and expansion
22 of proven effective community-based alternatives to secure confinement for
23 youths who otherwise would have been committed to the division.

24
25 /s/Irvin

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28 **APPROVED: 04/02/2015**