



ADMINISTRATIVE RULE
STATE OF ARKANSAS
BOARD OF CORRECTIONS

Section Number:
ADC 806/ACC 9.1

Page Number:

Board Approval Date:
TBD

Supersedes:
n/a

Dated:
TBD

Reference:
A.C.A. § 9-28-217(a)

Effective Date:
TBD

SUBJECT:

Extended Juvenile Jurisdiction Transfers and Confidential Juvenile Records

I. AUTHORITY:

The authority to promulgate this rule is vested in Act 187 of 2021, Regular Session [A.C.A. § 9-28-217(a)].

II. PURPOSE:

To establish criteria for the Department of Corrections (DOC) to access confidential records for the purpose of creating risk assessments, treatment plans, classification plans, or supervision plans for each juvenile who has been sentenced pursuant to Extended Juvenile Jurisdiction (EJJ) and comes under the supervision or enters the custody of the Department of Corrections as an adult from the Division of Youth Services.

III. APPLICABILITY:

Employees of the Divisions of Correction and Community Correction.

IV. DEFINITIONS:

- A. Custody: immediate charge and physical control of an individual committed by an order of a circuit or juvenile court of the State of Arkansas to the Department of Corrections.
- B. Extended Juvenile Jurisdiction (EJJ) Offender: a juvenile designated to be subject to juvenile disposition and an adult sentence imposed by the court pursuant to A.C.A. § 9-27-303.
- C. Juvenile Records: reports, correspondence, memoranda, case histories, or other material that personally identifies a juvenile, including protected health information, compiled, or received by a juvenile detention facility, a community-based provider for the Division of Youth Services, or the Division of Youth Services (DYS). Records include, but are not limited to, the following:
1. psychological evaluations,
 2. psychiatric evaluations,
 3. education records,
 4. medication records,
 5. program treatment notes,
 6. disciplinary records,
 7. Prison Rape Elimination Act (PREA) related records, and
 8. conviction records for sexual or violent crimes committed as a juvenile.

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V. POLICY:

- A. It shall be the policy of the Board of Corrections to safeguard any Juvenile Records from disclosure to unauthorized individuals while developing appropriate risk assessment, treatment, classification, and supervision plans for an offender.
- B. Upon notification by DYS that a juvenile offender who has been sentenced pursuant to EJJ will be transferred into the custody of or come under the supervision of the DOC as an adult, the Department is authorized to utilize Juvenile Records to establish appropriate risk level, or treatment, custody and supervision plans for the offender.

VI. PROCEDURES:

- A. DYS shall notify the DOC in writing of the impending transfer of any EJJ Offender being transferred into the custody of or under the supervision of the Department as an adult.
- B. The DOC Chief Counsel shall serve as the Secretary of Corrections' designated contact for notification by DYS.
- C. Upon receipt of written notification of impending transfer, the DOC Chief Counsel will coordinate with DYS to facilitate a transfer of Juvenile Records pertaining to the offender.
- D. The DOC Chief Counsel shall notify the Secretary of Corrections and appropriate Division Director of the impending transfer of an EJJ Offender.
- E. The DOC Chief Counsel or designee shall serve as the custodian of any Juvenile Records received pursuant to this Rule and is responsible for ensuring that Juvenile Records are accessed only by those who require access in order to develop appropriate risk assessment, treatment, classification, or supervision plans for offenders.

VII. IMPLEMENTATION:

- A. The Secretary of Corrections may issue directives to implement the guidance contained within this Rule. Directives issued pursuant to this rule must be reviewed by the Board of Corrections prior to issuance.
- B. Implementation of this rule may be delayed by the Secretary of Corrections until any necessary directives are issued and any required programming changes to the electronic Offender Management Information System (eOMIS) have been completed.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1245

5 By: Representatives C. Fite, Scott
6 By: Senator D. Wallace
7

For An Act To Be Entitled

9 AN ACT TO ALLOW CONFIDENTIAL JUVENILE RECORDS TO BE
10 RELEASED TO THE DEPARTMENT OF CORRECTIONS; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO ALLOW CONFIDENTIAL JUVENILE RECORDS TO
16 BE RELEASED TO THE DEPARTMENT OF
17 CORRECTIONS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 9-28-217(a), concerning confidential
23 juvenile records, is amended to add an additional subdivision to read as
24 follows:

25 (19)(A) The Department of Corrections for the purpose of
26 creating a risk assessment, classification plan, or supervision plan for each
27 juvenile who:

28 (i) Has an extended juvenile jurisdiction
29 designation; and

30 (ii) Comes under the supervision or enters into the
31 custody of the Department of Corrections as an adult from the Division of
32 Youth Services.

33 (B)(i) The Department of Corrections shall promulgate
34 rules for the implementation of this subdivision (19).

35 (ii) The rules of the Department of Corrections
36 shall prescribe the procedure for requesting confidential juvenile records



1 under this section and the manner in which the records shall be used.

2 (iii) The Department of Corrections shall submit the
3 rules to the following committees for review:

4 (a) Senate Interim Committee on Children and
5 Youth;

6 (b) House Committee on Aging, Children and
7 Youth, Legislative and Military Affairs; and

8 (c) Administrative Rules Subcommittee of the
9 Legislative Council.

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14 **APPROVED: 3/1/21**
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