

INTERIM STUDY PROPOSAL 2015-036

1
2 State of Arkansas
3 90th General Assembly
4 Regular Session, 2015

A Bill

SENATE BILL 622

5
6 By: Senator S. Flowers

7 Filed with: Senate Interim Committee on Children and Youth
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE AN AFFIRMATIVE DEFENSE IN A
11 JUVENILE DELINQUENCY PROCEEDING IF THE JUVENILE WAS
12 THE VICTIM OF BULLYING; AND FOR OTHER PURPOSES.

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15 **Subtitle**

16 TO PROVIDE AN AFFIRMATIVE DEFENSE IN A
17 JUVENILE DELINQUENCY PROCEEDING IF THE
18 JUVENILE WAS THE VICTIM OF BULLYING.

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

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23 SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended
24 to add an additional section to read as follows:

25 9-27-368. Affirmative defense in juvenile delinquency cases.

26 (a) It is an affirmative defense to a delinquency case if the juvenile
27 establishes that he or she was intentionally harassed, intimidated,
28 humiliated, ridiculed, defamed, threatened, or provoked to violence by
29 another student or a public school employee through conduct that addressed an
30 attribute of the juvenile or a person with whom the juvenile is associated
31 and the conduct caused or created actual or reasonably foreseeable:

32 (1) Physical harm to the juvenile or damage to the juvenile's
33 property;

34 (2) Substantial interference with the juvenile's education;

35 (3) A hostile educational environment for the juvenile due to
36 the severity, persistence, or pervasiveness of the conduct; or

1 (4) Substantial disruption of the orderly operation of the
2 school or educational environment.

3 (b) If the juvenile establishes an affirmative defense under
4 subsection (a) of this section, the court may:

5 (1) Dismiss the petition; or

6 (2) In the case at hand, if the juvenile used a dangerous weapon
7 such as a gun, a knife, brass knuckles, a razor, or a sword, consider the
8 affirmative defense as a mitigating factor.

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11 Referred by the Arkansas Senate

12 Prepared by: VJF
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