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INTERIM STUDY PROPOSAL 2013-028
As Engrossed: S2/25/13 S2/26/13

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 335

By: Senators Irvin, J. English, J. Hendren, G. Stubblefield, E. Williams, J. Woods
By: Representatives Sabin, House, J. Edwards, *Clemmer*

Filed with: Interim Senate Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS CLOSE TO HOME ACT; TO
USE COMMUNITY REINVESTMENT TO HELP KEEP JUVENILE
OFFENDERS CLOSE TO HOME BY SURROUNDING THEM WITH
EFFECTIVE COMMUNITY SERVICES AS AN ALTERNATIVE TO
COMMITMENT; AND FOR OTHER PURPOSES.

Subtitle

THE ARKANSAS CLOSE TO HOME ACT.

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

SECTION 1. DO NOT CODIFY.

Legislative findings.

The General Assembly finds that:

(1) The state can realize significant financial savings while positively impacting the lives of juvenile offenders and enhancing public safety by encouraging and investing in the use of effective community-based positive youth support systems and services as an alternative to out-of-home placement or commitment; and

(2) Communities use scarce state resources more efficiently and effectively because they are more aware of local community needs.

SECTION 2. DO NOT CODIFY.

Legislative intent.

1 It is the intent of the General Assembly that:

2 (1) The state and the state's communities provide effective
3 community-based rehabilitative and positive support systems for juveniles so
4 commitment is limited to those juvenile offenders that pose a significant
5 risk to public safety;

6 (2) Communities have greater involvement in creating and
7 providing effective alternatives to commitment of juveniles who do not
8 present a significant risk to public safety.

9
10 SECTION 3. Arkansas Code Title 9, Chapter 28, Subchapter 2, is amended
11 to add additional sections to read as follows:

12 9-28-218. Local community youth services boards.

13 (a) The Division of Youth Services of the Department of Human Services
14 shall facilitate the establishment of local community youth services boards.

15 (b)(1) A board shall consist of a at least nine (9) members and no
16 more than fifteen (15) members, including a:

17 (A) Circuit court judge assigned to the juvenile division;

18 (B) Juvenile intake or probation officer;

19 (C) Juvenile offender;

20 (D) Parent of a juvenile offender;

21 (E) Representative from a community-based provider under
22 contract with the Division of Youth Services of the Department of Human
23 Services;

24 (F) Representative from a faith-based group or
25 organization;

26 (G) Representative from a law enforcement office; and

27 (H) Representative from a local school district.

28 (2) One-half (1/2) of the total membership shall serve a term of
29 three (3) years and one-half (1/2) of the total membership shall serve a term
30 of two (2) years to be determined by a random method at the first meeting of
31 the board.

32 (3)(A) The chair of the board is elected by majority vote at the
33 first meeting of the board.

34 (B) A change in the chair is decided by majority vote of
35 the board.

1 (4)(A) The board shall meet one (1) time each quarter or more
2 often if determined necessary by the chair.

3 (B) A majority of the board shall constitute a quorum for
4 the purpose of transacting business.

5 (C) An action by the board is by quorum.

6 (5) A member of the board may appoint a designee to serve in his
7 or her place if necessary.

8 (6) If a consensus regarding the composition of the board cannot
9 be reached, the division shall attempt to mediate a resolution.

10 (7) The members of the board shall serve in a voluntary capacity
11 and shall serve without compensation.

12 (c)(1) No later than October 1, 2013, the division shall begin the
13 process of establishing and phasing in, as pilot programs, local community
14 youth services boards.

15 (2)(A) To establish a pilot program, a pilot program shall be:

16 (i) Requested by a:

17 (a) Juvenile judge; or

18 (b) Community-based provider under contract
19 with the division; and

20 (ii) Approved by the division.

21 (B) No more than five (5) initial pilot programs shall be
22 authorized within the first two (2) years of the program unless a pilot
23 program is:

24 (i) Requested by a juvenile judge and community-
25 based provider under contract with the division; and

26 (ii) Approved by the division.

27 (d) No later than six (6) months from the date a board is established
28 and every three (3) years thereafter, a board shall develop and submit to the
29 division a comprehensive plan that identifies:

30 (1) All youth services currently available in the judicial
31 district of the board serves;

32 (2) Any new, expanded, or altered youth support services and
33 interventions needed to reduce reliance on the juvenile delinquency process
34 and commitment of juvenile offenders; and

35 (3) How:

36 (A) Proven effective interventions are used;

1 (B) Collaboration between youth service delivery systems
2 are being enhanced; and

3 (C) Limited resources, including voluntary and in-kind
4 resources, are maximized.

5 (e) Annually, beginning twelve (12) months from the date a board is
6 established, a board shall develop and submit to the division an
7 implementation report that identifies the specific actions the board has
8 taken to implement the comprehensive plan developed under subsection (d) of
9 this section and the results achieved.

10 (f)(1) The division shall provide staff, support, and technical
11 assistance to a board in evaluating the effectiveness of implementation
12 reports using established outcome measures.

13 (2) The division shall review and determine the effectiveness of
14 each comprehensive plan and implementation report submitted by a board and
15 determine whether or not to:

16 (A) Approve a board's comprehensive plan and
17 implementation report;

18 (B) Provide technical assistance;

19 (C) Attempt to mediate a resolution;

20 (D) Increase, reduce, or eliminate funding to community-
21 based services in the judicial district or districts served by a board;

22 (E) Require revisions to an implementation report; or

23 (F) Dissolve a board and reconstitute a new board.

24
25 9-28-219. Funding for community-based services through local community
26 youth services boards.

27 (a) The Division of Youth Services of the Department of Human Services
28 shall:

29 (1) Develop and adopt:

30 (A) Allocation guidelines for the distribution of a
31 portion of community-based services funding to local community youth services
32 boards; and

33 (B) Outcome measures to determine the effectiveness of
34 comprehensive plans developed by local community youth services boards under
35 § 9-28-218, including without limitation outcome measures that use:

1 (i) Public safety measures, including recidivism
2 rates; and

3 (ii) Youth development measures, including school
4 performance, job skills development, and family stability;

5 (2) Allocate a portion of community-based services funding to
6 local community youth services boards; and

7 (3) Subject to the availability of general funds, reinvest
8 seventy-five percent (75%) of any general funding remaining at the end of the
9 fiscal year to the board, divided equally, and twenty-five percent (25%) to
10 the division.

11 (b)(1) Funding received by a board under this section shall be used to
12 reduce reliance on the juvenile delinquency process and commitment of
13 juvenile offenders.

14 (2) Expenditures made by or on behalf of a board are subject to:

15 (A) Review:

16 (B) Audit; and

17 (C) Recovery if determined that the funds were improperly
18 spent.

19 (c) Funding expended under this section shall not be used to:

20 (1) Provide direct services to juvenile offenders; or

21 (2) Impair a consumer's choice to obtain services from a
22 provider that is qualified and willing to provide services in conformity with
23 a juvenile offender's treatment plan.

24 (d) As used in this section, "direct services" means personal
25 interaction between a juvenile offender and an employee of the division, a
26 board member, or a person engaged by the board for the purpose of providing
27 health care or rehabilitative services to a juvenile offender.

28 (e) The division may adopt rules as necessary to implement this
29 section.

30 /s/ Irvin

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33 Referred by the Arkansas Senate

34 Prepared by: SAG/VJF