

1 INTERIM STUDY PROPOSAL 2017-020

2
3 REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE,
4 AND LABOR STUDY THE IMPACT OF FETAL ALCOHOL SPECTRUM DISORDERS ON
5 THE CRIMINAL JUSTICE SYSTEM AND MORE EFFECTIVE METHODS TO
6 REHABILITATE INDIVIDUALS WITH FETAL ALCOHOL SPECTRUM DISORDERS.
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8 WHEREAS, fetal alcohol spectrum disorders are the leading preventable
9 causes of intellectual disabilities in the United States, but fetal alcohol
10 spectrum disorders are seldom diagnosed; and
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12 WHEREAS, individuals with fetal alcohol spectrum disorders are much
13 more likely to be incarcerated than the general public with estimates ranging
14 from forty to fifty percent (40-50%) of individuals with fetal alcohol
15 spectrum disorders having been incarcerated at some point in their lives; and
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17 WHEREAS, estimates of the number of people with fetal alcohol spectrum
18 disorders are as high as four and eight-tenths percent (4.8%) of the
19 population, which means that the number of people in Arkansas with fetal
20 alcohol spectrum disorders could be more than one hundred thousand (100,000);
21 and
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23 WHEREAS, fetal alcohol spectrum disorders may result from prenatal
24 exposure to alcohol and present as an array of cognitive, behavioral, and
25 physical problems; and
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27 WHEREAS, the behavioral profile of an individual with fetal alcohol
28 spectrum disorders may include:

- 29 (1) Impulsivity that may be exhibited in the form of
30 shoplifting;
31 (2) Stealing due to a lack of understanding of personal
32 ownership;
33 (3) Fighting as a result of an overreaction;
34 (4) Running from the police, responding violently when
35 overwhelmed, or other behaviors motivated by fear; and

1 (5) Becoming an accomplice when a primary criminal manipulates
2 an individual with fetal alcohol spectrum disorders into committing a crime;
3 and
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5 WHEREAS, offenders with fetal alcohol spectrum disorders often commit
6 unreasonable crimes with a high risk for little reward, engage in minor
7 offenses with little to no escalation, and commit crimes with little to no
8 planning; and
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10 WHEREAS, offenders with fetal alcohol spectrum disorders struggle to
11 follow parole and may have trouble linking unlawful behavior to the
12 punishment, resulting in general continuation of the unlawful behavior
13 despite imprisonment, fines, or other punishments; and
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15 WHEREAS, due to their trusting nature, individuals with fetal alcohol
16 spectrum disorders are also at a greater risk of becoming victims of crime;
17 and
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19 WHEREAS, the impact of fetal alcohol spectrum disorders on the criminal
20 justice system is significant, because individuals with fetal alcohol
21 spectrum disorders are at high risk of both becoming victims of crimes and
22 committing crimes themselves; and
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24 WHEREAS, the State of Arkansas should study ways to reduce the impact
25 of fetal alcohol spectrum disorders on the criminal justice system as well as
26 more effective methods to rehabilitate individuals with fetal alcohol
27 spectrum disorders,
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29 NOW THEREFORE,

30 BE IT PROPOSED BY THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR OF
31 THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 THAT the House Committee on Public Health, Welfare, and Labor study the
34 impact of fetal alcohol spectrum disorders on the criminal justice system and
35 more effective methods to rehabilitate individuals with fetal alcohol
36 spectrum disorders.

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BE IT FURTHER PROPOSED THAT, upon request, the following entities provide assistance to the House Committee on Public Health, Welfare, and Labor to perform this study:

- (1) The University of Arkansas for Medical Sciences Department of Pediatrics;
- (2) The Arkansas Public Defender Commission;
- (3) The Office of Federal Public Defender for the Eastern District of Arkansas;
- (4) The United States Attorney for the Eastern District of Arkansas;
- (5) Arkansas Advocates for Children and Families;
- (6) The Administrative Office of the Courts;
- (7) The Arkansas Hospitality Association;
- (8) The Arkansas Prosecuting Attorneys Association;
- (9) The Criminal Justice Institute;
- (10) Disability Rights Arkansas, Inc.;
- (11) The Department of Corrections;
- (12) The Department of Human Services;
- (13) The Division of Youth Services of the Department of Human Services; and
- (14) The Partners for Inclusive Communities.

Respectfully submitted,

Representative Deborah Ferguson
District 51

Senator Keith Ingram
District 24

1 By: JMB/JMB

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