1	INTERIM STUDY PROPOSAL 2015-034
2	State of Arkansas As Engrossed: \$3/16/15
3	90th General Assembly A B1II
4	Regular Session, 2015SENATE BILL 798
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 PROTECT CHILDREN IN DELINQUENCY CASES AND
11	FAMILIES IN NEED OF SERVICES CASES FROM UNWARRANTED
12	TESTING FOR DRUG OR ALCOHOL ABUSE; AND FOR OTHER
13	PURPOSES.
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16	Subtitle
17	TO PROTECT CHILDREN IN DELINQUENCY CASES
18	AND FAMILIES IN NEED OF SERVICES CASES
19	FROM UNWARRANTED TESTING FOR DRUG OR
20	ALCOHOL ABUSE.
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23	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25	SECTION 1. Arkansas Code § 9-27-325(e)(2)(A), concerning hearings
26	under the Juvenile Code, is amended to read as follows:
27	(2)(A) <u>(i)</u> Upon motion of any party, the court may order that the
28	father, mother, and child submit to scientific testing for drug or alcohol
29	abuse.
30	(ii) In a dependency-neglect proceeding, the court
31	may order the father, mother, and child to submit to scientific testing for
32	drug or alcohol abuse.
33	(iii) In a delinquency proceeding, the child shall
34	not be ordered to submit to scientific testing for drug or alcohol abuse
35	before the adjudication hearing.

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1	(iv) In a family in need of services proceeding, the
2	family shall not be ordered to submit to scientific testing for drug or
3	alcohol abuse.
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5	SECTION 2. Arkansas Code § 9-27-333, concerning the disposition of
6	cases regarding families in need of services, is amended to add an additional
7	subsection to read as follows:
8	(j) A court shall not order scientific testing for drug or alcohol
9	abuse for a family unless reasonable suspicion exists that the test will be
10	positive.
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12	SECTION 2. Arkansas Code § 9-27-330(a)(2), concerning dispositions in
13	juvenile delinquency proceedings, is amended to read as follows:
14	(2) <u>(A)</u> Order the juvenile or members of the juvenile's family to
15	submit to physical, psychiatric, or psychological evaluations.
16	(B) Order the juvenile to submit to scientific testing for
17	drug or alcohol abuse if the court has a reasonable suspicion that the test
18	will be positive.
19	(C) If a court finds reasonable suspicion for
20	testing under subdivision (a)(2)(A) of this section, the court may continue
21	to order testing of the juvenile without subsequent findings;
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23	/s/S. Flowers
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26	Referred by the Arkansas Senate
27	Prepared by: VJF
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