

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

203

By: Senator Malone

For An Act To Be Entitled

"AN ACT PROVIDING FOR COOPERATIVE ENDEAVORS AMONG THE STATE AND LOCAL GOVERNMENTAL UNITS TO FINANCE, CONSTRUCT, ACQUIRE, AND OPERATE JUVENILE DETENTION FACILITIES; AND FOR OTHER PURPOSES."

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

SECTION 1. Title. This act shall be referred to and may be cited as the "Juvenile Detention Facilities Cooperative Development and Operations Act."

SECTION 2. Legislative Findings and Determinations. The General Assembly hereby finds that adequate juvenile detention facilities are essential to the safety and welfare of the people of this state. It is hereby legislatively determined that adequate juvenile detention facilities need to be made available and that a feasible and economic way of financing, constructing, acquiring, and operating the same is by authorizing cooperative endeavors for development and operation under the authority of this act.

SECTION 3. Definitions. For the purpose of this act, the following terms shall be defined as follows, unless the context otherwise requires:

(a) "Governing body" shall mean:

(1) The city council or board of directors or comparable body for a city.

(2) The town council or board of directors or comparable body for a town.

(3) The quorum court for a county.

(b) "Juvenile Detention Facility" shall mean any facility for the temporary care of juveniles alleged to be or adjudicated delinquent who require secure custody in a physically restricting facility that is designed

and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing a juvenile to leave the facility unsupervised or without permission.

(c) "Local governmental units" shall mean a city of any class, a town, or a county.

(d) "State" shall mean the State of Arkansas.

SECTION 4. Regional Detention Facilities. Local governmental units are hereby authorized to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local governmental units. Local governmental units may contract with the State through the Division of Children and Family Services of the Department of Human Services for the financing, acquisition, construction, and operation of juvenile detention facilities, in particular, in accordance with the provisions and procedures as outlined in the Interlocal Cooperation Act, Arkansas Code Annotated 25-20-101, et seq.

SECTION 5. Capital Grant and Revolving Loan Fund Accounts. There is hereby established a Capital Grant Account in the amount of seven hundred fifty thousand dollars (\$750,000) and a Revolving Loan Fund Account in the amount of two million dollars (\$2,000,000), the express purposes of which are to provide secure facilities for juveniles as alternatives to placement of juveniles in adult detention facilities; the allowable uses of said Capital Grant and Revolving Loan Fund accounts shall include acquisition, erection, construction, and equipment of sites and buildings, expressly including acquisition of existing structures, expansion, improvement, betterments, and extraordinary repairs to existing structures for juvenile detention facilities as approved by the Division of Children and Family Services of the Department of Human Services, which shall promulgate rules and regulations to effectuate the provisions of this section.

SECTION 6. Matching Requirements. Grant and loan funds shall only be awarded under this act upon submission of evidence of the ability to provide an amount of local public and/or private dollars equal to or greater than

one-third (1/3) of the State's Capital Grant contribution to any project; in no event shall the State Capital Grant contribution to any project authorized under this act exceed the sum of one hundred fifty thousand dollars (\$150,000); any Revolving Loan funds utilized in meeting the total cost of any project authorized under this act shall be interest free and shall have terms not to exceed ten (10) years; any award of funds under this section shall be subject to review and approval by the Division of Children and Family Services of the Department of Human Services, which shall promulgate rules and regulations to effectuate the provisions of this section.

SECTION 7. Operating Fund Account. There is hereby established an Operating Fund Account not to exceed the amount of five hundred thousand dollars (\$500,000) per annum, the express purpose of which is to provide a supplement to the local operations fund for the continuing operation of secure facilities for juveniles as alternatives to placement of juveniles in adult detention facilities; the allowable uses of said operating fund shall be to provide up to but not to exceed one-third (1/3) of the annual operations costs for a juvenile detention facility as authorized herein. The funds shall be applied as in this act provided for the continuing operations of Juvenile Detention Facilities as authorized in this act together with such other general funds, if any, as may be provided by any governing body individually or in combination with each other, as established for the purposes as authorized in this act. The Division of Children and Family Services of the Department of Human Services shall promulgate rules and regulations to effectuate the provisions of this section.

SECTION 8. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 10. EMERGENCY. It is hereby found and determined by the General Assembly that it is necessary to prohibit the unnecessary incarceration of juveniles, to prohibit such juveniles from being treated as criminals, to

place such juveniles under proper care, and to prohibit juveniles from associating with hardened adult criminals; and that the immediate passage of this act is necessary for the protection of juveniles. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation and protection of the public peace, health and safety shall be in full force and effect from and after its passage and approval.