

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 7 1003

By: Representatives Flanagan, Lipton and Newman

For An Act To Be Entitled

"AN ACT TO AMEND SECTION 35(b)(1) AND (2) OF ACT 273 OF 1989 TO ALLOW JUVENILES TO BE SUPERVISED BY THE SAME JAIL STAFF AS INCARCERATED ADULTS; TO INCREASE THE PERIOD OF TIME AN ALLEGED DELINQUENT JUVENILE MAY BE DETAINED; AND FOR OTHER PURPOSES."

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

SECTION 1. Subparagraphs (1) and (2) of paragraph (b) of Section 35 of Act 273 of 1989 are amended to read as follows:

"(1) A juvenile in custody on felony charges may be placed in an adult jail or lock-up provided he is separated by sight and sound from adults who are pre-trial detainees or convicted persons.

(2) A juvenile alleged to have committed a delinquent act may be held in an adult jail or lock-up for up to twenty-four (24) hours excluding weekends and holidays while awaiting an initial court appearance provided he is separated by sight and sound from adults who are pre-trial detainees or convicted persons and no existing acceptable alternative placement is available. A holding for this purpose shall be limited to the minimum time necessary and shall not include travel time for transporting the juvenile to the alternative facility."

SECTION 2. 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 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that the Juvenile Code of 1989 has unreasonably restricted law enforcement officers in their ability to detain juveniles alleged to have committed delinquent acts, that federal requirements permit holding an alleged juvenile for up to twenty-four (24) hours, that it is imperative that law enforcement officers be permitted to hold juveniles longer in order to determine whether the juvenile should be detained or released prior to adjudication. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.