

State of Arkansas

77th General Assembly                      A Bill

SENATE BILL

Third Extraordinary Session, 1989

CALL ITEM

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By: Senator Dowd

For An Act To Be Entitled

"AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989 TO PROVIDE THAT GOVERNMENTAL ENTITIES AND NONPROFIT CORPORATIONS SHALL NOT BE REQUIRED TO PAY FILING FEES IN THE JUVENILE DIVISION OF CHANCERY COURT; TO PROVIDE THAT DELINQUENCY PETITIONS SHALL NOT BE REQUIRED TO BE SUPPORTED BY AN AFFIDAVIT OF FACTS; TO DELETE THE PROHIBITION THAT INCARCERATED JUVENILES MAY NOT BE SUPERVISED BY THE SAME JAIL STAFF AS INCARCERATED ADULTS; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (a) of Section 9 of Act 273 of 1989 is hereby amended to read as follows:

"(a) Proceedings shall be commenced by filing a petition with the clerk of the chancery court or by transfer by another court. The laws of this State pertaining to fees to be collected for cases filed in the chancery court of each county shall not be applicable to cases filed in the juvenile division of chancery court when the petitioner is a governmental entity or a nonprofit corporation, including but not limited to, the Department of Human Services or its designee and prosecuting attorneys or their designees."

SECTION 2. Subsection (d)(2) of Section 10 of Act 273 of 1989 is hereby amended to read as follows:

"(2) The petition, unless a delinquency petition, shall be supported by an affidavit of facts. Supporting affidavits of facts are not required for delinquency petitions."

SECTION 3. Subsection (b) of Section 35 of Act 273 of 1989 is hereby amended to read as follows:

"(b) A juvenile shall not be placed or confined in a jail or lock-up used for the detention of adults except under the following circumstances:

(1) A juvenile in custody on felony charges filed in circuit court 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 six (6) hours for purposes of identification, processing, or arranging for release or transfer to an alternative facility, provided he is separated by sight and sound from adults who are pre-trial detainees or convicted persons. A holding for those purposes shall be limited to the minimum time necessary and shall not include travel time for transporting the juvenile to the alternative facility."

SECTION 4. 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 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. Emergency. It is hereby found and determined by the General Assembly that the Juvenile Code of 1989 provides that incarcerated juveniles shall not be under the supervision of the same jail staff as are incarcerated adults; that this requirement is overly broad and results in an unreasonable burden on local governments; that governmental entities and nonprofit corporations should not be required to pay filing fees in the juvenile division of chancery court; that supporting affidavits of facts are not necessary for delinquency petitions; and that this Act should be given effect immediately in order to eliminate these burdens as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately 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.