

1 State of Arkansas  
2 79th General Assembly  
3 Regular Session, 1993

# A Bill

## HOUSE BILL

4 By: Representatives Flanagan, Collier, M. Wilson, Pollan, Rice, Dawson, Hogue, Baker, Wingfield, Brown,  
5 Mullenix, Goodwin, O. Miller, Watts, Fairchild, Jordan, Gibson, Dietz, Calhoun, Roberts, Smith, Argue,  
6 Molinaro, Choate, Wren, Hill, Riable, Cash, and Owens

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### For An Act To Be Entitled

10 "AN ACT TO CREATE THE JUVENILE JUSTICE RESOURCES COMMISSION; AND  
11 FOR OTHER PURPOSES."

12  
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### Subtitle

14 "TO CREATE THE JUVENILE JUSTICE RESOURCES COMMISSION"

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

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18 *SECTION 1. Legislative Intent. The rising number of crimes committed by juvenile offenders in the state of Arkansas and the*  
19 *inadequacy of current rehabilitative and corrective programs to deal with this crisis, aggravated by the absence of performance evaluators to*  
20 *determine the effectiveness of various programs which exist to deal with these juvenile offenders, coupled with the need to protect the citizens of the*  
21 *state of Arkansas from crimes committed by juveniles, creates a need to commit time and effort to this area to seek solutions to this ever-*  
22 *increasing problem.*

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24 *SECTION 2. (a) There is hereby created a commission to be known as the Juvenile Justice Resources Commission.*

25 *(b) The commission shall consist of the following eighteen (18) members:*

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*(1) the Governor or his appointed designee,*

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*(2) the Director of the Arkansas Department of Human Services or his appointed designee,*

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*(3) the Arkansas Attorney General or his appointed designee,*

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*and the remaining members, all to be appointed by the Governor, as follows:*

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*(4) two (2) members and two (2) alternates of the Arkansas Senate,*

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*(5) two (2) members and two (2) alternates of the Arkansas House of Representatives,*

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*(6) one representative of the Community-Based Providers Association,*

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*(7) a member of the Youth Services Board,*

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*(8) two (2) circuit-chancery judges who preside primarily over juvenile cases,*

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*(9) one prosecuting attorney or deputy prosecuting attorney,*

- 1                   (10) one public defender.
- 2                   (11) one chief of police of a city of the first class.
- 3                   (12) one county sheriff.
- 4                   (13) two (2) members of the general public, one of whom has been a victim of crimes committed by juveniles or members of
- 5 their immediate family, and
- 6                   (14) one juvenile probation officer or juvenile intake officer.
- 7                   (c) All members shall serve for a term of two (2) years.
- 8                   (d) Members of the commission shall not be entitled to compensation for their services but shall be eligible to receive reimbursement for
- 9 mileage and other expenses incurred in performance of their duties in accordance with the rates and standards for reimbursement to State
- 10 employees.
- 11                   (e) The commission shall hold its initial meeting within forty-five (45) days of the effective date of this act and shall hold monthly
- 12 meetings thereafter.
- 13                   (f) The Governor shall designate a chair of the commission from the commission membership.
- 14                   (g) The commission is established for a two (2) year period and shall report to the General Assembly concerning the feasibility of
- 15 maintaining and funding the commission beyond its initial period.

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17                   **SECTION 3.** *The Juvenile Justice Resources Commission shall have the following primary duties relating to the development of a*

18 *more effective juvenile justice system.*

- 19                   (1) Determine whether current resources which are allocated to the juvenile justice system are being maximized and spent in the most
- 20 efficient and effective manner by:
  - 21                   (A) Examining the adequacy and effectiveness of the juvenile institutions located at Pine Bluff and Alexander and the
  - 22 appropriateness of their use with regard to juvenile offenders, defining the specific types of juvenile offenders which can be most effectively dealt
  - 23 with at those facilities, and the determining factors and procedures that cause a juvenile offender to be placed at one of these facilities, and
  - 24 under whose control those facilities should be operated and under what governmental authority and organization those facilities should be
  - 25 operated;
  - 26                   (B) Examining the adequacy and effectiveness of community-based rehabilitative programs and the appropriateness of
  - 27 their use with regard to juvenile offenders, defining the specific types of juvenile offenders which can be most effectively dealt with in those
  - 28 programs, and the determining factors and procedures that cause a juvenile offender to be placed in one of these programs and under whose
  - 29 control those programs should be operated;
  - 30                   (C) Examining the adequacy and effectiveness of serious offender programs and the appropriateness of their use with
  - 31 regard to juvenile offenders, defining the specific types of juvenile offenders which can be most effectively dealt with in those programs, and the
  - 32 determining factors and procedures that cause a juvenile offender to be placed in one of these programs and under whose control those programs
  - 33 should be operated; and
  - 34                   (D) Examining the adequacy and effectiveness of any other types of programs which may be utilized by the Department of
  - 35 Human Services for the rehabilitation of juvenile offenders, defining the specific types of juvenile offenders which can be most effectively dealt

1 *with in those programs, and the determining factors and procedures that cause a juvenile offender to be placed in one of these programs and*  
 2 *under whose control those programs should be operated.*

3 *With regard to subsections (A) through (D) of this section, the commission is directed to consider and recommend needs for the*  
 4 *creation, expansion, elimination, or changes in any of these facilities or programs.*

5 *(2) Examine and review alternatives for privatization of juvenile offender detention facilities and rehabilitation programs, including*  
 6 *the use of non-public entities to evaluate procedures that cause a juvenile offender to be placed in one of these facilities or programs.*

7 *(3) Recommend whether or not privatization of juvenile offender facilities and rehabilitation programs is desirable and, if so,*  
 8 *identify bureaucratic and governmental obstacles which hinder the successful letting of contracts for privatized facilities and programs and*  
 9 *recommend necessary procedures and draft proposed legislation to facilitate the establishment of such privatized facilities and programs, which*  
 10 *will include performance evaluation strategies and adequate cost-effectiveness measurements to be contained in the contracts. Also, if*  
 11 *privatization is deemed desirable, a manual of guidelines shall be prepared under the auspices of the commission, outlining all procedures*  
 12 *necessary to bid on, set up, and operate such privatized facilities and programs by a non-public entity.*

13 *(4) Determine what measurements of recidivism of juvenile offenders are available to policymakers and the Arkansas General*  
 14 *Assembly and provide recommendations for data collection procedures to be used to evaluate juvenile offender facilities and rehabilitation*  
 15 *programs and other resources available to deal with juvenile offenders.*

16 *(5) Determine the criminal offenses for which juveniles should be charged as adults in circuit court and the appropriateness as to who*  
 17 *should make that determination, together with proposed draft legislation to amend the Arkansas Juvenile Code where necessary.*

18 *With regard to all of the duties outlined in this section, the commission is directed to keep in mind that the primary purpose of any*  
 19 *criminal sanctions directed at juvenile offenders is to rehabilitate those juvenile offenders and enhance the protection of the public.*

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21 *SECTION 4. The commission may employ such staff and consultants as authorized by law and fix their compensation, duties,*  
 22 *authority, and responsibilities.*

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24 *SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987*  
 25 *Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.*

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27 *SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity*  
 28 *shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end*  
 29 *the provisions of this act are declared to be severable.*

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31 *SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.*

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