

1 **State of Arkansas**

**Call Item 1**

2 **79th General Assembly**

# **A Bill**

3 **Second Extraordinary Session, 1994**

**HOUSE BILL 1019**

4 **By: Representatives McGee, Pryor, Beatty, and Jones**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 9-27-318(a),  
9 (b), AND (c) TO INCLUDE ADDITIONAL OFFENSES FOR WHICH A  
10 PROSECUTING ATTORNEY MAY CHARGE A FOURTEEN- OR  
11 FIFTEEN-YEAR-OLD JUVENILE IN CIRCUIT COURT; TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES."

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## **Subtitle**

15 "TO INCLUDE ADDITIONAL OFFENSES FOR  
16 WHICH A PROSECUTING ATTORNEY MAY CHARGE  
17 A FOURTEEN- OR FIFTEEN-YEAR-OLD JUVENILE  
18 IN CIRCUIT COURT"

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

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22 *SECTION 1. Arkansas Code Annotated 9-27-318(a), (b), and (c) are*  
23 *amended to read as follows:*

24 *"(a) A juvenile court has exclusive jurisdiction when a delinquency*  
25 *case involves a juvenile:*

26 *(1) Less than fourteen (14) years old when the alleged delinquent*  
27 *act occurred;*

28 *(2) Less than sixteen (16) years old when he engages in conduct*  
29 *that, if committed by an adult, would be any felony not listed in (b)(2) or*  
30 *the offense in (b)(3);*

31 *(3) Less than eighteen (18) years old when he engages in conduct*  
32 *that, if committed by an adult, would be any misdemeanor.*

33 *(b) A circuit court and a juvenile court have concurrent jurisdiction*  
34 *and a prosecuting attorney may charge a juvenile in either court when a case*  
35 *involves a juvenile:*

1           (1) At least sixteen (16) years old when he engages in conduct  
2 that, if committed by an adult, would be any felony;

3           (2) Fourteen (14) or fifteen (15) years old when he engages in  
4 conduct that, if committed by an adult would be: capital murder (5-10-101),  
5 murder in the first degree (5-10-102), murder in the second degree (5-10-103),  
6 kidnapping (5-11-102), aggravated robbery (5-12-103), rape (5-14-103), battery  
7 in the first degree (5-13-201), battery in the second degree in violation of  
8 5-13-202(a) (2) (3) or (4), possession of a handgun on school property  
9 (5-73-119), aggravated assault (5-13-204), terroristic act (5-13-310),  
10 unlawful discharge of a firearm from a vehicle (5-74-107), any felony  
11 committed while armed with a firearm, soliciting a minor to join a criminal  
12 street gang, criminal use of a prohibited weapon (5-73-104), or a felony  
13 attempt, solicitation or conspiracy to commit any of the following offenses:  
14 capital murder (5-10-101), murder in the first degree (5-10-102), murder in  
15 the second degree (5-10-103), kidnapping (5-11-102), aggravated robbery (5-12-  
16 103), rape (5-14-103), and battery in the first degree (5-13-201);

17           (3) At least fourteen (14) years old when he engaged in conduct  
18 that constitutes a felony under Arkansas Code Annotated §5-73-119(a) (1).

19           (c) If a prosecuting attorney can file charges in circuit court for an  
20 act allegedly committed by a juvenile, the prosecutor may file any other  
21 criminal charges that arise out of the same act or course of conduct in the  
22 same circuit court case if, after a hearing before the juvenile division of  
23 chancery court, a motion to transfer is so ordered."

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25           SECTION 2. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29           SECTION 3. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.

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35           SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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3       SECTION 5. EMERGENCY. It is hereby found and determined by the  
4 Seventy-Ninth General Assembly of the State of Arkansas meeting in the Second  
5 Extraordinary Session of 1994 that the number of serious offenses committed by  
6 juveniles has increased dramatically and that the discretion of prosecuting  
7 attorneys to charge serious juvenile offenders in circuit court should be  
8 broadened in order to deal effectively with those juveniles. Therefore, in  
9 order to invest prosecuting attorneys immediately with additional discretion  
10 to charge serious juvenile offenders in circuit court, an emergency is hereby  
11 declared to exist and this act being necessary for the immediate preservation  
12 of the public peace, health, and safety, shall be in full force and effect  
13 from and after its passage and approval.

14                                   /s/Rep. McGee, et al

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***As Engrossed: 8/24/94***

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