

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1167

4 By: Representatives Thomas and Kidd
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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 9-21-330 TO ALLOW
9 JUVENILE COURTS TO SENTENCE JUVENILES ADJUDICATED
10 DELINQUENT TO HAVE THEIR DRIVING PRIVILEGES SUSPENDED AND
11 TO GIVE JUVENILE JUDGES THE AUTHORITY TO CREATE SENTENCING
12 ALTERNATIVES FOR JUVENILES ADJUDICATED DELINQUENT; AND FOR
13 OTHER PURPOSES."

Subtitle

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15 "TO ALLOW JUVENILE COURTS TO SUSPEND THE
16 DRIVING PRIVILEGES OF DELINQUENT
17 JUVENILES AND TO GIVE JUVENILE JUDGES
18 THE AUTHORITY TO CREATE SENTENCING
19 ALTERNATIVES."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 9-27-330(a) is amended to read as
25 follows:

26 "(a) If a juvenile is found to be delinquent, the court may enter an
27 order making any of the following dispositions:

28 (1) Transfer legal custody of the juvenile to the Department of
29 Human Services, or to another licensed agency responsible for the care of
30 juveniles, or to a relative or other individual;

31 (2) Order the juvenile or members of the juvenile's family to
32 submit to physical, psychiatric, or psychological evaluations;

33 (3) Commit the juvenile to a youth services center operated by
34 the Arkansas Youth Services Board, using the Risk Assessment System for
35 Arkansas Juvenile Offenders developed by the 1990 Youth Services Center

1 *Commitment Criteria Review Committee to be distributed and administered by*
2 *the Administrative Office of the Courts.*

3 *(A) In an order of commitment, the court may recommend*
4 *that a juvenile be placed in a community-based program instead of a youth*
5 *services center, and shall make specific findings in support of such a*
6 *placement in the order.*

7 *(B) Upon receiving an order of commitment with*
8 *recommendations for placement in a community-based program, the Arkansas*
9 *Youth Services Board shall consider the recommendations of the committing*
10 *court in making its placement to a youth services center or to a*
11 *community-based alternative;*

12 *(4)(A) Place the juvenile on probation under those conditions*
13 *and limitations that the court may prescribe pursuant to § 9-27-339(a).*

14 *(B)(i) In addition, the court shall have the right, as a*
15 *term of probation, to require the juvenile to attend high school or make*
16 *satisfactory progress toward a general education development certificate.*

17 *(ii) The court shall have the right to revoke*
18 *probation if the juvenile fails to regularly attend high school classes or if*
19 *satisfactory progress toward a general education development certificate is*
20 *not being made;*

21 *(5) Order a probation fee, not to exceed twenty dollars (\$20.00)*
22 *per month, as provided in § 16-13-326(a);*

23 *(6) Assess a court cost of no more than thirty-five dollars*
24 *(\$35.00) to be paid by the juvenile, his parent, both parents, or his*
25 *guardian;*

26 *(7)(A) Order restitution to be paid by the juvenile, a parent,*
27 *both parents, the guardian, or his custodian.*

28 *(B) If the custodian is the State of Arkansas, both*
29 *liability and the amount which may be assessed shall be determined by the*
30 *Arkansas State Claims Commission;*

31 *(8) Order a fine of not more than five hundred dollars (\$500) to*
32 *be paid by the juvenile, a parent, both parents, or the guardian;*

33 *(9) Order that the juvenile or the parents or guardians of the*
34 *juvenile, or both participate in court-approved public service not to exceed*
35 *one hundred sixty (160) hours;*

1 (10)(A)(i) Order that the juvenile remain in a juvenile
2 detention facility for an indeterminate period not to exceed ninety (90)
3 days.

4 (ii) The court may further order that the juvenile
5 be eligible for work release or to attend school or other educational or
6 vocational training.

7 (B) The juvenile detention facility shall afford
8 opportunities for education, recreation, and other rehabilitative services to
9 adjudicated delinquents;

10 (11) Place the juvenile on residential detention with electronic
11 monitoring, either in the juvenile's home or in another facility as ordered
12 by the court;

13 (12)(A) Order the parent, both parents, or the guardian of any
14 juvenile adjudicated delinquent and committed to a youth services center,
15 detained in a juvenile detention facility, or placed in foster care, to be
16 liable for the cost of the commitment, detention, or foster care.

17 (B)(i) The court shall take into account the financial
18 ability of the parent, both parents, or the guardian to pay for such
19 commitment, detention, or foster care.

20 (ii) The court shall take into account the past
21 efforts of the parent, both parents, or the guardian to correct the
22 delinquent juvenile's conduct.

23 (iii) The court shall take into account if the
24 parent is a noncustodial parent, the court may take into consideration the
25 opportunity the parent has had to correct the delinquent juvenile's conduct.

26 (iv) The court shall take into account any other
27 factors the court deems relevant;

28 (13) Order the Department of Finance and Administration to
29 suspend the driving privileges of any juvenile adjudicated delinquent. The
30 order shall be prepared and transmitted to the department within twenty-four
31 (24) hours after the juvenile has been found delinquent and is sentenced to
32 have his driving privileges suspended. The court may provide in the order
33 for the issuance of a restricted driving permit to allow driving to and from
34 a place of employment or driving to and from school or for other
35 circumstances;

1 (14) *Order any other disposition that is reasonably related to*
2 *the rehabilitation of the juvenile and not unduly restrictive of his liberty*
3 *or incompatible with his freedom of conscience."*

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

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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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/s/Rep. Thomas, et al

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