

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Brown

# A Bill

SENATE BILL 240

## For An Act To Be Entitled

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

## Subtitle

"TO ALLOW JUVENILE COURTS TO SUSPEND THE  
DRIVING PRIVILEGES OF DELINQUENT  
JUVENILES AND TO GIVE JUVENILE JUDGES  
THE AUTHORITY TO CREATE SENTENCING  
ALTERNATIVES."

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

SECTION 1. Arkansas Code § 9-27-330(a) is amended to read as follows:

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

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

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

(3) Commit the juvenile to a youth services center operated by  
the Arkansas Youth Services Board, using the Risk Assessment System for  
Arkansas Juvenile Offenders developed by the 1990 Youth Services Center  
Commitment Criteria Review Committee to be distributed and administered by

1 the Administrative Office of the Courts.

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

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

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

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

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

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

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

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

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

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

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

35 (10)(A)(i) Order that the juvenile remain in a juvenile

1 detention facility for an indeterminate period not to exceed ninety (90)  
2 days.

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

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

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

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

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

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

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

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

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

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

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5 SECTION 3. If any provisions of this act or the application thereof to  
6 any person or circumstance is held invalid, the invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provisions or application, and to this end the provisions of this  
9 act are declared to be severable.

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

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15 /s/Brown

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