

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1054

4 By: Representative Flanagin

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## For An Act To Be Entitled

8 "AN ACT TO AMEND A.C.A. 9-28-206, 9-28-208 AND 9-27-331 TO  
9 PROVIDE THAT A YOUTH WHO IS WITHIN TEN MONTHS OF HIS  
10 EIGHTEENTH BIRTHDAY AND WHO IS SERVING A COMMITMENT TO A  
11 SERIOUS OFFENDER PROGRAM SHALL REMAIN IN THE CUSTODY OF  
12 THE DIVISION OF YOUTH SERVICES FOR UP TO ONE YEAR; AND FOR  
13 OTHER PURPOSES."

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## Subtitle

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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 Annotated 9-28-206 is amended to read as  
25 follows:

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"9-28-206. Disposition of delinquent youth.

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28 When a juvenile division of chancery court, a circuit court, or any  
29 other court having jurisdiction of a youth under eighteen (18) years of age,  
30 finds a youth to be delinquent or to have committed a crime as defined by the  
31 laws of this state, the court may commit the youth to the Division of Youth  
32 Services of the Department of Human Services for an indeterminate period, not  
33 to exceed the eighteenth birthday of the youth, except that a youth who is  
34 within ten months of his eighteenth birthday and who is serving a commitment  
35 in a serious offender program shall remain in the custody of the Division of  
36 Youth Services and committed to the serious offender program for a period of  
up to one year, or except as may otherwise be provided by law."

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3 SECTION 2. Arkansas Code Annotated 9-28-208(d) is amended to read as  
4 follows:

5 "(d) Commitment shall not exceed the eighteenth birthday of a youth,  
6 unless the Department of Human Services\_ State Institutional System Board  
7 determines that an adequate facility or facilities are available for youths  
8 eighteen (18) years of age or older, except that a youth who is within ten  
9 months of his eighteenth birthday and who is serving a commitment in a serious  
10 offender program shall remain in the custody of the Division of Youth Services  
11 and committed to the serious offender program for a period of up to one year,  
12 or except as may otherwise be provided by law."

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14 SECTION 3. Arkansas Code Annotated 9-27-331(a) is amended to read as  
15 follows:

16 "(a)(1) A commitment to the Division of Youth Services is for an  
17 indeterminate period, not to exceed the eighteenth birthday of a juvenile,  
18 except that a youth who is within ten months of his eighteenth birthday and  
19 who is serving a commitment in a serious offender program shall remain in the  
20 custody of the Division of Youth Services and committed to the serious  
21 offender program for a period of up to one year, or except as may otherwise be  
22 provided by law.

23 (2) An order of commitment shall remain in effect for an  
24 indeterminate period not exceeding two (2) years from the date entered.

25 (3) Prior to the expiration of an order of commitment, the court  
26 may extend the order for additional periods of one (1) year if it finds the  
27 extension is necessary to safeguard the welfare of the juvenile or the  
28 interest of the public.

29 (4) The committing court may recommend, at any time, that a  
30 juvenile be released from the custody of the Division of Youth Services by  
31 making a written request for release stating the reasons release is deemed in  
32 the best interests of the juvenile and society.

33 (5) Length of stay and final decision to release shall be the  
34 exclusive responsibility of the Division of Youth Services."

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36 SECTION 4. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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

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10 SECTION 6. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

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