

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/18/97

A Bill

HOUSE BILL 1553

5 By: Representative Jeffress and Rodgers
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 9-27-318 TO PROVIDE THAT A
10 PARTY SEEKING TO TRANSFER A CASE TO JUVENILE COURT MUST
11 MOVE TO TRANSFER WITHIN FORTY-FIVE DAYS OF THE FILING OF
12 THE CHARGE IN CIRCUIT COURT AND THE CIRCUIT COURT MUST
13 CONDUCT A HEARING AND ISSUE A RULING ON THE MOTION WITHIN
14 FORTY-FIVE DAYS OF THE MOTION BEING MADE."

Subtitle

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17 "AN ACT TO AMEND ARKANSAS CODE § 9-27-
18 318(d)."
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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 § 9-27-318(d) is amended to read as follows:

23 "(d) Upon the motion of the court or any party, the judge of the court
24 in which a delinquency petition or criminal charges have been filed shall
25 conduct a hearing to determine whether to retain jurisdiction or to transfer
26 the case to another court having jurisdiction , with the following
27 limitations;

28 (1) Except when consented to by the Prosecuting Attorney, a
29 circuit court shall not conduct a hearing or consider any motion to transfer
30 the case to juvenile court which is made more than forty-five (45) days after
31 criminal charges have been filed or within forty-five (45) days of the
32 appointment of counsel;

33 (2) If a timely motion to transfer has been made, the circuit
34 court shall conduct a hearing and enter an order reflecting its decision on
35 the motion no more than forty-five (45) days after the motion is made."
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1 SECTION 2. All provisions of this act of a 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 provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision 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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14 SECTION 5. EMERGENCY. It is hereby found and determined by the General
15 Assembly that cases involving juveniles who are charged as adults are
16 unnecessarily delayed by the fact that the current law allows courts to
17 consider transfer motions made as late as the day before trial. It is the
18 express intent of this act to eliminate such delays by requiring that a motion
19 to transfer to juvenile court be made and considered as soon as possible after
20 a prosecutor files charges against a juvenile. Therefore, an emergency is
21 declared to exist and this act being immediately necessary for the
22 preservation of the public peace, health and safety shall become effective on
23 the date of its approval by the Governor. If the bill is neither approved nor
24 vetoed by the Governor, it shall become effective on the expiration of the
25 period of time during which the Governor may veto the bill. If the bill is
26 vetoed by the Governor and the veto is overridden, it shall become effective
27 on the date the last house overrides the veto.

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30 /s/Rep. Jeffress et al

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