

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

A Bill

HOUSE BILL 1554

4
5 By: Representative Jeffress and Rodgers
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE § 9-27-318 TO PROVIDE THAT A
10 DELINQUENCY PETITION OR AN INFORMATION ALONE IS SUFFICIENT
11 PROOF THAT AN OFFENSE IS SERIOUS AND VIOLENCE WAS EMPLOYED
12 IN ITS COMMISSION FOR PURPOSES OF DETERMINING WHETHER A
13 JUVENILE CAN BE TRIED AS AN ADULT; AND FOR OTHER
14 PURPOSES."
15

Subtitle

16
17 "AN ACT TO AMEND ARKANSAS CODE § 9-27-
18 318(e)(1)."
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 9-27-318(e)(1) is amended to add the
23 following subsection:

24 "(A) The delinquency petition or information alone is sufficient for
25 the court to determine that the offense was serious and that the juvenile
26 employed violence in its commission;"
27

28 SECTION 2. All provisions of this act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.
31

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

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 All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is found and determined by the General Assembly that beginning with Walker v. State, 304 Ark. 393, 803 S.W.2d 502(1991), the Arkansas Supreme Court repeatedly held that the information alone is sufficient to establish the seriousness of an offense and whether a juvenile employed violence in its commission for purposes of the juvenile-transfer statute. Although the Court has not overruled Walker and the cases following it, the Court has recently retreated from its holding. In Carroll v. State, No. 96-960, slip op. at 4(Ark. Dec. 16, 1996), for example, the Court held that "there must be some proof to substantiate the serious and violent charges in the information." It is the express intent of this act to reinstate the holding of Walker and make it clear that the charge filed by a prosecutor alone is sufficient to establish that an offense is serious and that the juvenile employed violence in its commission. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.