

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

A Bill

HOUSE BILL 2268

4
5 By: Representatives Allison, Trammell, and Jeffress
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 9-27-330(a) TO
10 MANDATE PERIODIC DRUG TESTING OF JUVENILES ON PROBATION
11 WHOSE DELINQUENCY INCLUDED A FINDING OF ILLEGAL DRUG USE;
12 AND FOR OTHER PURPOSES."
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Subtitle

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15 "TO MANDATE PERIODIC DRUG TESTING OF
16 JUVENILES ON PROBATION WHOSE DELINQUENCY
17 INCLUDED A FINDING OF ILLEGAL DRUG USE"
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Annotated § 9-27-330(a) is amended to read as
22 follows:

23 "(a) If a juvenile is found to be delinquent, the court may enter an
24 order making any of the following dispositions based upon the best interest of
25 the juvenile:

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

29 (B) Commit the juvenile to a youth services center using
30 the Risk Assessment System for Arkansas Juvenile Offenders developed by the
31 1990 Youth Services Center Commitment Criteria Review Committee to be
32 distributed and administered by the Administrative Office of the Courts.

33 (i) In an order of commitment, the court may
34 recommend that a juvenile be placed in a community-based program instead of a
35 youth services center, and shall make specific findings in support of such a
36 placement in the order.

1 (ii) Upon receipt of an order of commitment with
2 recommendations for placement, the Division of Youth Services of the
3 Department of Human Services shall consider the recommendations of the
4 committing court in placing a youth in a youth services facility or a
5 community-based program.

6 (C) In all cases in which both commitment and transfer of
7 legal custody are ordered by the court in the same order, transfer of custody
8 will be entered only upon compliance with the provisions of §§ 9-27-310 -
9 9-27-312, 9-27-316, 9-27-327, and 9-27-328;

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

12 (3) Grant permanent custody to an individual upon proof that the
13 parent or guardian from whom the juvenile has been removed has not complied
14 with the orders of the court and that no further services or periodic reviews
15 are required;

16 (4)(A) Place the juvenile on probation under those conditions and
17 limitations that the court may prescribe pursuant to § 9-27-339(a) which
18 conditions shall include, for all juveniles whose delinquency includes a
19 finding of illegal use of a controlled substance, submitting to testing for
20 the presence of drugs monthly or as determined by the juvenile officer or the
21 court, depending on need. A fee of not more than five dollars (\$5.00) per
22 test shall be paid by the juvenile, the juveniles parent or parents, or the
23 juveniles guardian to cover the cost of the drug test. The court shall have
24 the right to revoke probation if the juvenile tests positive for the presence
25 of a controlled substance.

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

29 (ii) The court shall have the right to revoke
30 probation if the juvenile fails to regularly attend school or if satisfactory
31 progress toward a general education development certificate is not being made;

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

34 (6) Assess a court cost of no more than thirty-five dollars
35 (\$35.00) to be paid by the juvenile, his parent, both parents, or his
36 guardian;

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

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

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

8 (9) Order that the juvenile and his parent, both parents, or the
9 guardian perform court-approved volunteer service in the community, designed
10 to contribute to the rehabilitation of the juvenile or to the ability of the
11 parent or guardian to provide proper parental care and supervision of the
12 juvenile, not to exceed one hundred sixty (160) hours;

13 (10)(A) Order that the parent, both parents, or the guardian of
14 the juvenile attend a court-approved parental responsibility training program,
15 if available.

16 (B) The court may make reasonable orders requiring proof of
17 completion of such training program within a certain time period and payment
18 of a fee covering the cost of the training program.

19 (C) The court may provide that any violation of such orders
20 shall subject the parent, both parents, or the guardian to the contempt
21 sanctions of the court;

22 (11)(A)(i) Order that the juvenile remain in a juvenile detention
23 facility for an indeterminate period not to exceed ninety (90) days.

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

27 (B) The juvenile detention facility shall afford opportunities
28 for education, recreation, and other rehabilitative services to adjudicated
29 delinquents;

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

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

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

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

7 (iii) The court shall take into account, if the
8 parent is a noncustodial parent, the opportunity the parent has had to correct
9 the delinquent juvenile's conduct.

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

12 (14)(A) Order the Department of Finance and Administration to
13 suspend the driving privileges of any juvenile adjudicated delinquent.

14 (B) The order shall be prepared and transmitted to the
15 department within twenty-four (24) hours after the juvenile has been found
16 delinquent and is sentenced to have his driving privileges suspended.

17 (C) The court may provide in the order for the issuance of
18 a restricted driving permit to allow driving to and from a place of employment
19 or driving to and from school, or for other circumstances."

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

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25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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

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