

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Roebuck

# A Bill

SENATE BILL 556

## For An Act To Be Entitled

9 "AN ACT TO ESTABLISH A CONTINUUM OF GRADUATED COMMUNITY  
10 BASED SANCTIONS WITHIN THE DHS-DIVISION OF YOUTH SERVICES  
11 TO ENSURE THAT THERE IS AN APPROPRIATE SANCTION FOR EVERY  
12 ACT FOR WHICH A JUVENILE MAY BE ADJUDICATED DELINQUENT;  
13 AND FOR OTHER PURPOSES."

### Subtitle

16 "TO ESTABLISH GRADUATED COMMUNITY BASED  
17 SANCTIONS WITHIN THE DHS-DIVISION OF  
18 YOUTH SERVICES TO ENSURE AN APPROPRIATE  
19 SANCTION FOR JUVENILES ADJUDICATED  
20 DELINQUENT."

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

24 SECTION 1. (a) Presently juvenile judges must often choose between  
25 imposing no sanction at all or committing juveniles to the Division of Youth  
26 Services. Judges should have punitive options available as alternatives to  
27 confinement. Therefore, it is the intent of the General Assembly that a  
28 continuum of graduated sanctions be available in every Judicial District in  
29 Arkansas and that the Division of Youth Services provide for a continuum of  
30 sanctions that may be imposed in the community in lieu of commitment to the  
31 Division of Youth Services in every situation.

32 (b) Further, the General Assembly recognizes that sanctions are usually  
33 not effective unless the sanction is coupled with treatment and intervention  
34 services which address the underlying problems of the youth and his family.  
35 It is for this reason the General Assembly has provided that the community  
36 base sanctions program be implemented by the Division of Youth Services, as

1 part of their community based provider contracts; and that any and all funds  
 2 specifically appropriated to implement this act are in addition to those funds  
 3 provided for other prevention intervention, therapeutic, and family services,  
 4 and shall be added to existing community based contracts without further  
 5 request for proposal, but must be spent exclusively to implement and support  
 6 community based sanctions.

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8 SECTION 2. (a) The Division of Youth Services shall ensure that each  
 9 judicial district has a continuum of sanctions available through their  
 10 contracts with community based providers. The sanctions may include, but are  
 11 not limited to, the following:

12 (1) House arrest as enforced by electronic monitoring or intensive  
 13 supervision;

14 (2) Restitution;

15 (3) Community service;

16 (4) Short term detention in either a staffed or physically secure  
 17 facility provided by the community based provider or other licensed  
 18 subcontractor;

19 (5) Mandatory parental participation in either therapeutic or  
 20 sanction programs enforced, if necessary, by contempt sanctions.

21 (b) The Director of the Division of Youth Services shall ensure that  
 22 criteria are established to ensure the maximum use of resources, in each  
 23 judicial district, to make this program available to as many juveniles as  
 24 possible. To the extent resources are available, a community based sanctions  
 25 may be used for the following juvenile offenders and circumstances:

26 (1) Offenses not involving violence;

27 (2) Failure to comply with the terms of the aftercare plan;

28 (3) Contempt of court for failure to comply with any valid court  
 29 order;

30 (4) Revocation of probation.

31 (c) Nothing herein requires the Division of Youth Services to provide  
 32 all the sanctions listed herein, but simply to ensure that each judicial  
 33 district has in place a continuum of graduated community based sanctions and  
 34 that those sanctions are available for as many juvenile offenders as possible.

35 (d) The Division of Youth Services shall add to the community based  
 36 provider contracts without further request for proposals, any and all funds

1 specifically appropriated to implement this act and shall ensure that those  
2 funds are spent exclusively to implement and support community based sanction  
3 programs.

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5 SECTION 3. (a) The Division of Youth Services may impose any community  
6 based sanction on a juvenile in their custody or who is in aftercare as a  
7 result of having been committed.

8 (b) The court may impose community based sanctions as an original  
9 disposition, revocation of probation, or as a contempt sanction.

10 (c) The community based provider may not independently impose the  
11 community based sanctions.

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13 SECTION 4. All provisions of this act of general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 5. If any provisions of this act or the application thereof to  
18 any person or circumstance is held invalid, the invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provisions or application, and to this end the provisions of this  
21 act are declared to be severable.

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

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