

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 335

5 By: Senators Irvin, J. English, J. Hendren, G. Stubblefield, E. Williams, J. Woods  
6 By: Representatives Sabin, House, J. Edwards  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE ARKANSAS CLOSE TO HOME ACT; TO  
10 USE COMMUNITY REINVESTMENT TO HELP KEEP JUVENILE  
11 OFFENDERS CLOSE TO HOME BY SURROUNDING THEM WITH  
12 EFFECTIVE COMMUNITY SERVICES AS AN ALTERNATIVE TO  
13 COMMITMENT; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 THE ARKANSAS CLOSE TO HOME ACT.  
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19

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

22 SECTION 1. DO NOT CODIFY.

23 Legislative findings.

24 The General Assembly finds that:

25 (1) The state can realize significant financial savings while  
26 positively impacting the lives of juvenile offenders and enhancing public  
27 safety by encouraging and investing in the use of effective community-based  
28 positive youth support systems and services as an alternative to out-of-home  
29 placement or commitment; and

30 (2) Communities use scarce state resources more efficiently and  
31 effectively because they are more aware of local community needs.  
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33 SECTION 2. DO NOT CODIFY.

34 Legislative intent.

35 It is the intent of the General Assembly that:

36 (1) The state and the state's communities provide effective



1 community-based rehabilitative and positive support systems for juveniles so  
 2 commitment is limited to those juvenile offenders that pose a significant  
 3 risk to public safety;

4 (2) Communities have greater involvement in creating and  
 5 providing effective alternatives to commitment of juveniles who do not  
 6 present a significant risk to public safety; and

7 (3) The Youth Services Advisory Board provide information and  
 8 advice to the Division of Youth Services of the Department of Human Services  
 9 in the development and implementation of strategic plans to reduce reliance  
 10 on the juvenile delinquency process and commitment of juvenile offenders.

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 12 SECTION 3. Arkansas Code Title 9, Chapter 28, Subchapter 2, is amended  
 13 to add additional sections to read as follows:

14 9-28-218. Youth Services Advisory Board.

15 (a)(1) There is created the "Youth Services Advisory Board".

16 (2) The purpose of the Youth Services Advisory Board is to  
 17 provide information and advice to the Division of Youth Services of the  
 18 Department of Human Services in the development and implementation of  
 19 strategic plans to reduce reliance on the juvenile delinquency process and  
 20 commitment of juvenile offenders.

21 (b) The board shall consist of a minimum of sixteen (16) members,  
 22 including:

23 (1) One (1) or more advocates for families and youth;

24 (2) One (1) or more circuit court judges assigned to a juvenile  
 25 division;

26 (3) One (1) or more juvenile intake and probation officers;

27 (4) One (1) or more law enforcement officials;

28 (5) One (1) or more representatives of local community youth  
 29 services boards under § 9-28-219;

30 (6) One (1) juvenile offender;

31 (7) One (1) parent of a juvenile offender;

32 (8) One (1) prosecuting attorney who practices in the juvenile  
 33 division of a circuit court;

34 (9) One (1) public defender who practices in the juvenile  
 35 division of a circuit court;

36 (10) One (1) representative from the Administrative Office of

1 the Courts;

2 (11) One (1) representative from the Arkansas Association of  
 3 Educational Administrators;

4 (12) One (1) representative from the Department of Education;

5 (13) One (1) representative from the Department of Workforce  
 6 Services;

7 (14) One (1) representative from the Division of Behavioral  
 8 Health Services of the Department of Human Services;

9 (15) One (1) representative from the Division of Children and  
 10 Family Services of the Department of Human Services; and

11 (16) One (1) representative from the Juvenile Ombudsman Division  
 12 of the Arkansas Public Defender Commission.

13 (c)(1) The Director of the Division of Youth Services shall appoint  
 14 the membership of the Youth Services Advisory board.

15 (2) One-half (1/2) of the total membership shall serve a term of  
 16 three (3) years and one-half (1/2) of the total membership shall serve a term  
 17 of two (2) years.

18 (3) The director shall assign a term of service to each member  
 19 upon appointment.

20 (d)(1) The chair of the Youth Services Advisory board shall be elected  
 21 by majority vote at the first meeting of the Youth Services Advisory board.

22 (2) All change in the chair is decided by majority vote of the  
 23 Youth Services Advisory board.

24 (e)(1) The Youth Services Advisory board shall meet once each quarter  
 25 or more often if determined necessary by the director.

26 (2) A majority of the Youth Services Advisory board shall  
 27 constitute a quorum for the purpose of transacting business.

28 (3) An action by the Youth Services Advisory board is by quorum.

29 (f) A member of the Youth Services Advisory board may receive expense  
 30 reimbursement in accordance with § 25-16-902 paid by the Division of Youth  
 31 Services if funds are available.

32 (g) The Division of Youth Services shall provide staff and support for  
 33 the Youth Services Advisory board.

34  
 35 9-28-219. Local community youth services boards.

36 (a) The Division of Youth Services of the Department of Human Services

1 shall facilitate the establishment of local community youth services boards.

2 (b)(1) A board shall consist of a at least nine (9) members and no  
 3 more than fifteen (15) members, including a:

4 (A) Circuit court judge assigned to the juvenile division;

5 (B) Juvenile intake or probation officer;

6 (C) Juvenile offender;

7 (D) Parent of a juvenile offender;

8 (E) Representative from a community-based provider under  
 9 contract with the Division of Youth Services of the Department of Human  
 10 Services;

11 (F) Representative from a faith-based group or  
 12 organization;

13 (G) Representative from a law enforcement office; and

14 (H) Representative from a local school district.

15 (2) One-half (1/2) of the total membership shall serve a term of  
 16 three (3) years and one-half (1/2) of the total membership shall serve a term  
 17 of two (2) years to be determined by a random method at the first meeting of  
 18 the board.

19 (3)(A) The chair of the board is elected by majority vote at the  
 20 first meeting of the board.

21 (B) A change in the chair is decided by majority vote of  
 22 the board.

23 (4)(A) The board shall meet one (1) time each quarter or more  
 24 often if determined necessary by the chair.

25 (B) A majority of the board shall constitute a quorum for  
 26 the purpose of transacting business.

27 (C) An action by the board is by quorum.

28 (5) A member of the board may appoint a designee to serve in his  
 29 or her place if necessary.

30 (6) If a consensus regarding the composition of the board cannot  
 31 be reached, the division shall attempt to mediate a resolution.

32 (c) No later than October 1, 2013, the division shall begin the  
 33 process of establishing and phasing in local community youth services boards  
 34 statewide.

35 (d) No later than six (6) months from the date a board is established  
 36 and every three (3) years thereafter, a board shall develop and submit to the

1 division a comprehensive plan that identifies:

2 (1) All youth services currently available in the judicial  
 3 district of the board serves;

4 (2) Any new, expanded, or altered youth support services and  
 5 interventions needed to reduce reliance on the juvenile delinquency process  
 6 and commitment of juvenile offenders; and

7 (3) How:

8 (A) Proven effective interventions are used;

9 (B) Collaboration between youth service delivery systems  
 10 are being enhanced; and

11 (C) Limited resources, including voluntary and in-kind  
 12 resources, are maximized.

13 (e) Annually, beginning twelve (12) months from the date a board is  
 14 established, a board shall develop and submit to the division an  
 15 implementation report that identifies the specific actions the board has  
 16 taken to implement the comprehensive plan developed under subsection (d) of  
 17 this section and the results achieved.

18 (f)(1) The division shall provide staff, support, and technical  
 19 assistance to a board in evaluating the effectiveness of implementation  
 20 reports using established outcome measures.

21 (2) The division shall review and determine the effectiveness of  
 22 each comprehensive plan and implementation report submitted by a board and  
 23 determine whether or not to:

24 (A) Approve a board's comprehensive plan and  
 25 implementation report;

26 (B) Provide technical assistance;

27 (C) Attempt to mediate a resolution;

28 (D) Increase, reduce, or eliminate funding to community-  
 29 based services in the judicial district or districts served by a board;

30 (E) Require revisions to an implementation report; or

31 (F) Dissolve a board and reconstitute a new board.

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 33 9-28-220. Funding for community-based services through local community  
 34 youth services boards.

35 (a) The Division of Youth Services of the Department of Human Services  
 36 shall:

1           (1) Develop and adopt:

2                   (A) Allocation guidelines for the distribution of a  
3 portion of community-based services funding to local community youth services  
4 boards; and

5                   (B) Outcome measures to determine the effectiveness of  
6 comprehensive plans developed by local community youth services boards under  
7 § 9-28-219, including without limitation outcome measures that use:

8                           (i) Public safety measures, including recidivism  
9 rates; and

10                           (ii) Youth development measures, including school  
11 performance, job skills development, and family stability;

12                   (2) Allocate a portion of community-based services funding to  
13 local community youth services boards; and

14                   (3) Subject to the availability of general funds, reinvest  
15 seventy-five percent (75%) of any general funding remaining at the end of the  
16 fiscal year to the board, divided equally, and twenty-five percent (25%) to  
17 the division.

18                   (b)(1) Funding received by a board under this section shall be used to  
19 reduce reliance on the juvenile delinquency process and commitment of  
20 juvenile offenders.

21                   (2) Expenditures made by or on behalf of a board are subject to:

22                           (A) Review;

23                           (B) Audit; and

24                           (C) Recovery if determined that the funds were improperly  
25 spent.

26                   (c) Funds provided to the division under this section shall be used to  
27 supplement, not supplant, any other funding provided for community-based  
28 services for juvenile offenders.

29                   (d) The division may adopt rules as necessary to implement this  
30 section.

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