

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1571

5 By: Representative E. Armstrong
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For An Act To Be Entitled

8 AN ACT TO CLARIFY THE AUTHORITY OF THE DIVISION OF
9 YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES;
10 TO RELEASE AN EXTENDED JUVENILE JURISDICTION OFFENDER
11 UPON REACHING THE AGE OF TWENTY-ONE; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO CLARIFY THE AUTHORITY OF THE DIVISION
16 OF YOUTH SERVICES OF THE DEPARTMENT OF
17 HUMAN SERVICES; AND TO RELEASE AN
18 EXTENDED JUVENILE JURISDICTION OFFENDER
19 UPON REACHING THE AGE OF TWENTY-ONE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 9-27-507(e), concerning extended juvenile
26 jurisdiction court review hearings, is amended to add a new subdivision as
27 follows:

28 (5)(A) A juvenile committed to the Division of Youth Services
29 under extended juvenile jurisdiction shall not remain in the physical custody
30 of the division beyond the date of his or her twenty-first birthday.

31 (B) If a court order imposing an adult sentence or
32 granting the absolute release of a juvenile is not entered on or before the
33 juvenile's twenty-first birthday, the division shall release the juvenile
34 from its custody.

35 (C) Nothing in this subdivision (e)(5) of this section
36 shall limit the court's jurisdiction to impose a period of probation on



1 offenders adjudicated delinquent for capital murder, § 5-10-101, or murder in
 2 the first degree, § 5-10-102, as required by subdivision (b)(2)(D) of this
 3 section.

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 5 SECTION 2. Arkansas Code § 9-27-509 is amended to read as follows:

6 9-27-509. Division of Youth Services – Commitment of extended juvenile
 7 jurisdiction juveniles.

8 (a) The court has sole release authority for juveniles in extended
 9 juvenile jurisdiction proceedings, except as provided under subdivisions
 10 (c)(4) and (5) of this section.

11 (b) In every case in which an order of commitment has been entered
 12 pursuant to an adjudication of delinquency, the facility to which the
 13 juvenile is admitted shall, within thirty (30) days of the juvenile’s
 14 commitment, prepare and file with the court a treatment case plan that shall:

15 (1) State the treatment plan for the juvenile; and

16 (2) State the anticipated length of commitment of the juvenile.

17 (c)(1) Upon determination that the juvenile has been rehabilitated,
 18 the Division of Youth Services of the Department of Human Services may
 19 petition the court for release.

20 (2) The court shall conduct a hearing within sixty (60) calendar
 21 days of the filing of the petition and shall consider the following factors
 22 in making its determination to release the juvenile from the division:

23 (A) The experience and character of the juvenile before
 24 and after the juvenile disposition, including compliance with the court’s
 25 orders;

26 (B) The nature of the offense or offenses and the manner
 27 in which they were committed;

28 (C) The recommendations of the professionals who have
 29 worked with the juvenile;

30 (D) The protection of public safety; and

31 (E) Opportunities provided to the juvenile for
 32 rehabilitation and the juvenile’s efforts toward rehabilitation.

33 (3) The court shall release the juvenile upon a finding by a
 34 preponderance of the evidence that the juvenile’s release does not pose a
 35 substantial threat to public safety.

36 (4)(A) If the court fails to conduct a hearing on a petition to

1 release a juvenile within sixty (60) calendar days of the date of its filing,
2 the petition shall be deemed granted and the division shall release the
3 juvenile.

4 (B)(i) However, upon the request of a party to the
5 petition or the division, the court may enter an order extending the time
6 frame to conduct a hearing on the petition to release the juvenile beyond
7 sixty (60) calendar days from the filing of the petition.

8 (ii) When a party to the petition or the division
9 requests an extension of time for the hearing date on the petition to release
10 a juvenile, the party or the division shall show good cause for the
11 extension.

12 (5)(A) The court may take a petition to release under advisement
13 for up to thirty (30) days after a hearing on the petition to release a
14 juvenile.

15 (B) When the court fails to rule on the petition within
16 thirty (30) days from the hearing on the petition to release a juvenile, the
17 petition shall be deemed granted and the division shall release the juvenile.

18 (6) Under no circumstances shall a juvenile committed to the
19 division under extended juvenile jurisdiction remain in the physical custody
20 of the division beyond the date of his or her twenty-first birthday.

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