

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

As Engrossed: S3/16/15

# A Bill

SENATE BILL 798

5 By: Senator S. Flowers  
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## For An Act To Be Entitled

8 AN ACT TO PROTECT CHILDREN IN DELINQUENCY CASES AND  
9 FAMILIES IN NEED OF SERVICES CASES FROM UNWARRANTED  
10 TESTING FOR DRUG OR ALCOHOL ABUSE; AND FOR OTHER  
11 PURPOSES.  
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### Subtitle

14 TO PROTECT CHILDREN IN DELINQUENCY CASES  
15 AND FAMILIES IN NEED OF SERVICES CASES  
16 FROM UNWARRANTED TESTING FOR DRUG OR  
17 ALCOHOL ABUSE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 9-27-325(e)(2)(A), concerning hearings  
24 under the Juvenile Code, is amended to read as follows:

25 (2)(A)(i) Upon motion of any party, the court may order that the  
26 father, mother, and child submit to scientific testing for drug or alcohol  
27 abuse.

28 (ii) In a dependency-neglect proceeding, the court  
29 may order the father, mother, and child to submit to scientific testing for  
30 drug or alcohol abuse.

31 (iii) In a delinquency proceeding, the child shall  
32 not be ordered to submit to scientific testing for drug or alcohol abuse  
33 before the adjudication hearing.

34 (iv) In a family in need of services proceeding, the  
35 family shall not be ordered to submit to scientific testing for drug or  
36 alcohol abuse.



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SECTION 2. Arkansas Code § 9-27-333, concerning the disposition of cases regarding families in need of services, is amended to add an additional subsection to read as follows:

(j) A court shall not order scientific testing for drug or alcohol abuse for a family unless reasonable suspicion exists that the test will be positive.

*SECTION 2. Arkansas Code § 9-27-330(a)(2), concerning dispositions in juvenile delinquency proceedings, is amended to read as follows:*

*(2)(A) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations.*

*(B) Order the juvenile to submit to scientific testing for drug or alcohol abuse if the court has a reasonable suspicion that the test will be positive.*

*(C) If a court finds reasonable suspicion for testing under subdivision (a)(2)(A) of this section, the court may continue to order testing of the juvenile without subsequent findings;*

*/s/S. Flowers*