

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 497

4
5 By: Senator Irvin

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE SUPERVISION OF DELINQUENT
9 YOUTH UNDER THE INTERSTATE COMPACT FOR JUVENILES; AND
10 FOR OTHER PURPOSES.

Subtitle

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14 TO PROVIDE FOR THE SUPERVISION OF
15 DELINQUENT YOUTH UNDER THE INTERSTATE
16 COMPACT FOR JUVENILES.

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

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21 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.
22 The General Assembly finds that:

23 (1) Each year since the adoption and enactment of the Interstate
24 Compact for Juveniles, Arkansas has received from other states a small but
25 significant number of juvenile offenders who are subject to probation or
26 parole supervision in other states;

27 (2) These juveniles reside in the communities of this state and,
28 in many cases, have committed serious or violent offenses in their home
29 state;

30 (3) The Interstate Compact for Juveniles requires Arkansas to
31 supervise and provide services for juveniles who relocated to Arkansas and
32 are subject to another state's terms of probation or parole;

33 (4) The Interstate Compact for Juveniles does not provide
34 guidance on how to supervise and provide services to these juveniles;

35 (5) The Interstate Compact for Juveniles does not provide
36 guidance on the determination of jurisdiction for the purpose of enforcing



1 another state's terms of probation or parole imposed on a juvenile; and
 2 (6) The lack of guidance creates an ongoing public safety
 3 concern, is a disservice to juveniles who relocate to Arkansas while in need
 4 of court-ordered services, and jeopardizes the willingness of other states to
 5 provide services to the juveniles of Arkansas who relocate to other states.

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 7 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative intent.
 8 It is the intent of the General Assembly that this act:

9 (1) Clarify the roles and responsibilities of the Division of
 10 Youth Services with regard to administering services under the Interstate
 11 Compact for Juveniles;

12 (2) Establish the authority of Arkansas courts to hear and
 13 enforce terms of probation and parole that have been ordered by courts in
 14 other member states of the Interstate Compact for Juveniles; and

15 (3) Provide an avenue for the work of circuit courts and county
 16 governments involving interstate cases to be meaningful, effective, and
 17 adequately supported.

18
 19 SECTION 3. Arkansas Code Title 9, Chapter 29, Subchapter 4, is amended
 20 to add additional sections to read as follows:

21 9-29-402. Definitions - Administrative support.

22 (a) As used in this subchapter, the term "compact administrator"
 23 defined under § 9-29-401 means the Director of the Division of Youth Services
 24 as it relates to this state.

25 (b) The Division of Youth Services shall provide administrative
 26 support to the Arkansas State Council for Interstate Juvenile Supervision and
 27 the compact administrator.

28 (c) The division may promulgate rules to implement this subchapter.

29
 30 9-29-403. Custody and placement of runaway juveniles.

31 (a) A law enforcement agency and the Division of Children and Family
 32 Services shall:

33 (1) Notify the compact administrator or the compact
 34 administrator's designee of when the law enforcement agency or the Division
 35 of Children and Family Services has physical custody of a juvenile believed
 36 to be a runaway from another state as provided in the Interstate Compact for

1 Juveniles; and

2 (2) Provide the compact administrator or the compact
3 administrator's designee with information about the juvenile, to include
4 without limitation the juvenile's:

5 (A) Name;

6 (B) Delinquency status or history;

7 (C) Home address in the state of origin; and

8 (D) Willingness to return home without further proceedings
9 as provided in the compact.

10 (b)(1) When a law enforcement agency or Division of Children and
11 Family Services has physical custody of a runaway juvenile under subsection
12 (a) of this section, the compact administrator or the compact administrator's
13 designee shall assist the law enforcement agency or Division of Children and
14 Family Services in finding appropriate placement for the juvenile while the
15 juvenile's return to his or her home state is processed.

16 (2) The cost of finding an appropriate placement for a juvenile
17 runaway under subdivision (b)(1) of this section, including interstate or
18 intrastate transportation costs uncovered by the juvenile's legal custodian
19 or home state, shall be the responsibility of the following agencies:

20 (A) For a juvenile charged with a delinquent or criminal
21 offense, the county in which the charge is pending; and

22 (B) For a juvenile who is not charged with a delinquent or
23 criminal offense, the Division of Youth Services.

24 (c) The Division of Children and Family Services shall not be
25 responsible for the placement or transportation of a juvenile runaway under
26 this section.

27
28 9-29-404. Relocation and placement of juveniles on court ordered
29 probation or aftercare plan.

30 (a)(1) If a juvenile who is subject to court ordered probation
31 supervision terms or an aftercare plan of the Division of Youth Services
32 relocates to another state, the probation office or division shall:

33 (A) Notify the compact administrator or compact
34 administrator's designee of the relocation at least forty-five (45) days
35 before the relocation; and

36 (B) Provide the compact administrator or compact

1 administrator's designee with the name and address of the proposed custodian
2 with whom the juvenile is intended to reside.

3 (2) The compact administrator or the compact administrator's
4 designee shall:

5 (A) Notify the receiving state of the relocation and
6 placement proposed under subdivision (a)(1)(B) of this section; and

7 (B) Provide the receiving state with any information
8 necessary for the receiving state to:

9 (i) Review the relocation and court ordered
10 probation supervision terms; and

11 (ii) Evaluate the proposed placement.

12 (3) The compact administrator or the compact administrator's
13 designee shall notify the division or the probation office that sent the
14 notice and proposed placement under subdivision (a)(1) of this section
15 relating to the receiving state's response to the information provided under
16 subdivision (a)(2) of this section, including any modification needed before
17 the relocation or proposed placement may be accepted.

18 (b)(1) If another state sends the compact administrator or compact
19 administrator's designee a similar notice of relocation and proposed
20 placement as is required under subdivision (a)(2) of this section, the
21 compact administrator or the compact administrator's designee shall notify
22 the juvenile probation office of the county in which the juvenile is intended
23 to reside.

24 (2) The notice shall include:

25 (A) The juvenile's name and date of birth;

26 (B) The state and county from which the juvenile is
27 relocating;

28 (C) The charge or charges on which the juvenile has been
29 adjudicated in the sending state;

30 (D) The juvenile's probation or parole status;

31 (E) The address where the juvenile will reside;

32 (F) The name of the juvenile's caretaker or custodian; and

33 (G) A complete copy of a referral form and attachments, if
34 any, from the sending state.

35 (3)(A) Within five (5) days of receiving the notice, the
36 juvenile probation office shall notify the compact administrator or the

1 compact administrator's designee of the probation officer or other local
2 official assigned to complete the home evaluation of the proposed residence.

3 (B) If the juvenile probation office declines to assign a
4 probation officer or other local official to complete the home evaluation,
5 the compact administrator or the compact administrator's designee shall
6 arrange for the home evaluation to be completed by another qualified
7 individual.

8 (C) The cost of an evaluation completed under subdivision
9 (b)(3) of this section shall be the responsibility of the:

10 (i) County if a local or county official completes
11 the evaluation; or

12 (ii) Division if the evaluation is arranged by the
13 compact administrator or the compact administrator's designee.

14 (D) Unless another agreement is reached with the compact
15 administrator or the compact administrator's designee, a home evaluation
16 performed under subdivision (b)(3) of this section shall be completed and the
17 report forwarded to the compact administrator or the compact administrator's
18 designee within thirty (30) days of the initial referral.

19 (4) A person who completes a home evaluation under subdivision
20 (b)(3) of this section is considered the investigating officer responsible
21 for reviewing the referral and proposed placement and providing the compact
22 administrator or the compact administrator's designee with a recommendation
23 authorizing or denying supervision.

24 (5)(A) Supervision may be denied if the home evaluation reveals
25 that the placement is unsuitable or that the juvenile has not substantially
26 complied with the terms and conditions of supervision established by the
27 sending state.

28 (B) However, supervision may not be denied solely because
29 of the juvenile's age or offense.

30 (6) The compact administrator or the compact administrator's
31 designee shall deny supervision of a juvenile who is referred under probation
32 conditions if:

33 (A) The investigating officer is a probation officer or
34 other local official;

35 (B) The investigating officer recommends denying
36 supervision and provides specific reasons to justify the recommendation; and

1 (C) Denial of supervision is otherwise permitted under the
2 Interstate Compact for Juveniles.

3 (7) Supervision shall be authorized if the juvenile does not
4 have a custodial parent or legal guardian in the sending state or residing in
5 Arkansas.

6 (8) The juvenile probation office of the county in which the
7 juvenile resides is responsible for the supervision of a juvenile referred
8 under probation conditions.

9 (9) The division is responsible for the supervision of a
10 juvenile referred under parole conditions.

11
12 9-29-405. Juvenile probation or parole conditions - Petition for
13 revocation.

14 (a) The compact administrator or the compact administrator's designee
15 shall notify the prosecuting attorney of the county in which the juvenile
16 will reside when supervision of a juvenile is authorized under § 9-9-404.

17 (b)(1) With the assistance of the compact administrator or the compact
18 administrator's designee, the prosecuting attorney shall obtain a certified
19 copy of the order containing the probation or parole conditions for the
20 juvenile.

21 (2) The prosecuting attorney shall:

22 (A) File the certified copy of the order with the circuit
23 clerk of the county in which the juvenile will reside; and

24 (B) Provide a file-marked copy of the order to the:

25 (i) Office of the public defender of the county in
26 which the juvenile will reside;

27 (ii) Juvenile probation office of the county in
28 which the juvenile will reside;

29 (iii) Juvenile; and

30 (iv) Juvenile's parent or legal guardian.

31 (c) The circuit clerk shall open a new juvenile case for the purpose
32 of establishing jurisdiction for the enforcement of the juvenile's probation
33 or parole conditions.

34 (d)(1) The court shall hold an initial review hearing within thirty
35 (30) days of the date on which the order obtained under subdivision (b)(1) of
36 this section was filed.

1 (2) At the hearing required under subdivision (d)(1) of this
2 section, the court shall ensure that the juvenile and the juvenile's
3 custodian or caretaker are notified of the juvenile's probation or parole
4 conditions.

5 (3) The juvenile is entitled to counsel at a hearing required
6 under subdivision (d)(1) of this section and any other subsequent hearing.

7 (e)(1) A violation of a probation or parole condition may be reported
8 to the prosecuting attorney who may then file a petition to revoke the
9 juvenile's probation or parole.

10 (2) A petition for revocation filed under subdivision (e)(1) of
11 this section shall:

12 (A) Contain specific factual allegations constituting each
13 violation of a probation or parole condition; and

14 (B) Be served on the juvenile, the juvenile's attorney,
15 and the juvenile's parent, guardian, or custodian.

16 (3)(A) A copy of a petition for revocation filed under
17 subdivision (e)(1) of this section shall be forwarded to the compact
18 administrator or the compact administrator's designee.

19 (B) Upon receiving a copy of a petition for revocation
20 filed under subdivision (e)(1) of this section, the compact administrator or
21 the compact administrator's designee shall notify the sending state of the
22 petition.

23 (f) A hearing on a petition for revocation filed under subdivision
24 (e)(1) of this section shall be held within:

25 (1) A reasonable time after the petition is filed; or

26 (2) Fourteen (14) days from the date on which the petition was
27 filed if the juvenile is detained under § 9-27-326 as a result of the
28 petition being filed.

29 (g) If the court finds, by a preponderance of the evidence, that the
30 juvenile violated his or her probation or parole conditions, the court may:

31 (1) Impose additional probation or parole conditions;

32 (2) Make any disposition under § 9-27-330 that could have been
33 made if the original offense had been adjudicated in this state;

34 (3) Provide a violation report to the compact administrator or
35 the compact administrator's designee to be forwarded to the sending state
36 ; and

1 (4)(A) Provide a recommendation to the compact administrator or
2 the compact administrator's designee to forward to the sending state that may
3 include a recommendation to:

4 (i) Extend the juvenile's probation or parole;

5 (ii) Impose additional sanctions; or

6 (iii) Retake the juvenile and classify the placement
7 in this state as a failed placement.

8 (B) Within five (5) business days of the date on which the
9 revocation hearing under subsection (f) of this section is held, the compact
10 administrator or the compact administrator's designee shall send the sending
11 state a copy of the court report or recommendation provided under subdivision
12 (g)(3) or subdivision (g)(4)(A) of this section.

13 (h) Upon request, the compact administrator or the compact
14 administrator's designee shall facilitate direct communication between an
15 official of the sending state and the probation officer, prosecuting
16 attorney, defense attorney, or circuit judge in this state.

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