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2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 455

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CERTAIN FEES,
9 EXPENSES, AND OTHER COSTS IMPOSED ON A JUVENILE OR
10 THE PARENT, GUARDIAN, OR CUSTODIAN OF A JUVENILE; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING CERTAIN FEES,
16 EXPENSES, AND OTHER COSTS IMPOSED ON A
17 JUVENILE OR THE PARENT, GUARDIAN, OR
18 CUSTODIAN OF A JUVENILE.
19
20

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

23 SECTION 1. Arkansas Code § 9-27-303(33), concerning the definition of
24 "juvenile" as applicable to the Arkansas Juvenile Code of 1989, is amended to
25 read as follows:

26 (33) "Juvenile" means an individual who is:

27 (A) From birth to eighteen (18) years of age, whether
28 married or single; ~~or~~

29 (B) Adjudicated delinquent, a juvenile member of a family
30 in need of services, or dependent or dependent-neglected by the juvenile
31 division of circuit court ~~prior to~~ before reaching eighteen (18) years of age
32 and for whom the juvenile division of circuit court retains jurisdiction; or

33 (C) Both of the following:

34 (i) Under eighteen (18) years of age; and

35 (ii) Under the jurisdiction of the criminal division
36 of circuit court or the juvenile division of circuit court jurisdiction under



1 this subchapter;

2
3 SECTION 2. Arkansas Code § 9-27-316(b), concerning the right to
4 counsel under the Arkansas Juvenile Code of 1989, is amended to read as
5 follows:

6 (b)(1)(A) ~~The inquiry concerning the ability of the juvenile to retain~~
7 ~~counsel shall include a consideration of the juvenile's financial resources~~
8 ~~and the financial resources of his or her family~~ A juvenile shall be presumed
9 indigent regardless of the resources of the parent, guardian, or custodian of
10 the juvenile.

11 (B) ~~However, the~~ The failure of the juvenile's family to
12 retain counsel for the juvenile shall not deprive the juvenile of the right
13 to ~~appointed~~ court-appointed counsel if required under this section.

14 (2) ~~After review by the court of an affidavit of financial means~~
15 ~~completed and verified by the parent of the juvenile and a determination by~~
16 ~~the court that the parent or juvenile has the ability to pay, the~~ The court
17 ~~may~~ shall not order financially able juveniles, parents, guardians, or
18 ~~eustodians~~ a juvenile or the parent, guardian, or custodian of the juvenile
19 to pay all or part of reasonable attorney's fees and expenses for
20 representation of ~~a~~ the juvenile.

21 (3) ~~All moneys collected by the circuit clerk under this~~
22 ~~subsection shall be retained by the clerk and deposited into a special fund~~
23 ~~to be known as the "juvenile representation fund"~~ The court shall not order a
24 juvenile or the parent, guardian, or custodian of the juvenile to pay a fee
25 related to the cost of providing the juvenile with counsel.

26 (4) ~~The court may direct that money from this fund be used in~~
27 ~~providing counsel for juveniles under this section in delinquency or family-~~
28 ~~in need of services cases and indigent parents or guardians in dependency-~~
29 ~~neglect cases as provided by subsection (h) of this section.~~

30 (5) ~~Any money remaining in the fund at the end of the fiscal~~
31 ~~year shall not revert to any other fund but shall carry over into the next~~
32 ~~fiscal year in the juvenile representation fund.~~

33
34 SECTION 3. Arkansas Code § 9-27-316(f)(1) and (2), concerning the
35 right to counsel under the Arkansas Juvenile Code of 1989, are amended to
36 read as follows:

(f)(1) The court shall appoint, at no cost to the juvenile or the parent, guardian, or custodian of the juvenile, an attorney ad litem who shall meet standards and qualifications established by the Supreme Court to represent the best interest of the juvenile when a dependency-neglect petition is filed or when an emergency ex parte order is entered in a dependency-neglect case, whichever occurs earlier.

(2) The court may appoint, at no cost to the juvenile or the parent, guardian, or custodian of the juvenile, an attorney ad litem to represent the best interest of a juvenile involved in any case before the court and shall consider the ~~juvenile's~~ best interest of the juvenile in determining whether to appoint an attorney ad litem.

SECTION 4. Arkansas Code § 9-27-316(g)(1), concerning the right to counsel under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(g)(1) The court may appoint, at no cost to the juvenile or the parent, guardian, or custodian of the juvenile, a volunteer court-appointed special advocate from a program that ~~shall meet all~~ meets the state and national court-appointed special advocate standards to advocate for the best interest of juveniles in dependency-neglect proceedings.

SECTION 5. Arkansas Code § 9-27-323(d)(2), concerning diversion agreements, conditions applicable to diversion agreements, and the completion of diversion agreements under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(2) A At no cost to the juvenile or the parent, guardian, or custodian of the juvenile, a copy of the diversion agreement shall be given to the juvenile, the counsel for the juvenile, the parent, guardian, or custodian of the juvenile, and the intake officer, who shall retain the copy of the diversion agreement in the case file.

SECTION 6. Arkansas Code § 9-27-323(f) and (g), concerning diversion agreements, conditions applicable to diversion agreements, and the completion of diversion agreements under the Arkansas Juvenile Code of 1989, are amended to read as follows:

(f)(1) If a diversion of a complaint has been made, a petition based

upon the events out of which the original complaint arose may be filed at no cost to the juvenile or the parent, guardian, or custodian of the juvenile and only during the period for which the agreement was entered into.

(2) If a petition is filed within this period, the juvenile's compliance with all proper and reasonable terms of the agreement shall be grounds for dismissal of the petition by the court.

(g) The diversion agreement may be terminated, and the prosecuting attorney in a delinquency case or the petitioner in a family in need of services case may file a petition, at no cost to the juvenile or the parent, guardian, or custodian of the juvenile, if at any time during the agreement period:

(1) The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process;

(2) The juvenile fails, without reasonable excuse, to attend a scheduled conference;

(3) The juvenile appears unable or unwilling to benefit from the diversion process; or

(4) The intake officer becomes apprised of new or additional information that indicates that further efforts at diversion would not be in the best interests of the juvenile or society.

SECTION 7. Arkansas Code § 9-27-323(h)(3), concerning diversion agreements, conditions applicable to diversion agreements, and the completion of diversion agreements under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(3) The complaint and the diversion agreement, and all references ~~thereto~~ to the complaint and the diversion agreement, ~~may~~ shall be expunged by the court from the juvenile's file at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

SECTION 8. Arkansas Code § 9-27-323(i)-(k), concerning diversion agreements, conditions applicable to diversion agreements, and the completion of diversion agreements under the Arkansas Juvenile Code of 1989, are amended to read as follows:

~~(i)(1)(i) A juvenile intake or probation officer may charge a diversion fee only after review of an affidavit of financial means and a~~

determination of the juvenile's or the juvenile's parent's, guardian's, or
 eustodian's ability to pay the fee A juvenile or the parent, guardian, or
 custodian of a juvenile shall not be charged a diversion fee.

~~(2) The diversion fee shall not exceed twenty dollars (\$20.00)
 per month to the juvenile division of circuit court.~~

~~(3) The court may direct that the fees be collected by the
 juvenile officer, sheriff, or court clerk for the county in which the fees
 are charged.~~

~~(4) The officer designated by the court to collect diversion
 fees shall maintain receipts and account for all incoming fees and shall
 deposit the fees at least weekly into the county treasury of the county where
 the fees are collected and in which diversion services are provided.~~

~~(5) The diversion fees shall be deposited into the account with
 the juvenile service fees under § 16-13-326.~~

~~(j)(1) In judicial districts having more than one (1) county, the
 judge may designate the treasurer of one (1) of the counties in the district
 as the depository of all juvenile fees collected in the district.~~

~~(2) The treasurer so designated by the court shall maintain a
 separate account of the juvenile fees collected and expended in each county
 in the district.~~

~~(3) Money remaining at the end of the fiscal year shall not
 revert to any other fund but shall carry over to the next fiscal year.~~

~~(4) The funds derived from the collection of diversion fees
 shall be used by agreement of the judge or judges of the circuit court
 designated to hear juvenile cases in their district plan pursuant to Supreme
 Court Administrative Order No. 14, originally issued April 6, 2001, and the
 quorum court of the county to provide services and supplies to juveniles at
 the discretion of the juvenile division of circuit court.~~

~~(k)(1)(j)(1)~~ The Department of Human Services shall develop a
 statewide referral protocol for helping to coordinate the delivery of
 services to sexually exploited children.

(2) As used in this section, "sexually exploited child" means a
 person less than eighteen (18) years of age who has been ~~subject~~ subjected to
 sexual exploitation because the person:

(A) Is a victim of trafficking of persons under § 5-18-
 103;

(B) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2013; or

(C) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.

(k) The diversion of a case under this section shall be implemented and administered at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

SECTION 9. Arkansas Code § 9-27-330(a)(1)(B)(vi)(f)(2), concerning juvenile delinquency dispositions and alternatives under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(2) A copy of the written treatment plan shall be provided at no cost to the juvenile or the parent, guardian, or custodian of the juvenile and shall be explained to the juvenile.

SECTION 10. Arkansas Code § 9-27-330(a)(2), concerning juvenile delinquency dispositions and alternatives, is amended to read as follows:

(2) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations at no cost to the juvenile or the parent, guardian, or custodian of the juvenile;

SECTION 11. Arkansas Code § 9-27-330(a)(5)-(15), concerning juvenile delinquency dispositions and alternatives, are amended to read as follows:

~~(5) Order a probation fee, not to exceed twenty dollars (\$20.00) per month, as provided in § 16-13-326(a);~~

~~(6) Assess a court cost of no more than thirty five dollars (\$35.00) to be paid by the juvenile, his or her parent, both parents, or his or her guardian;~~

~~(7)(A)(5)(A) Order restitution to be paid by the juvenile, a parent, both parents, the guardian, or his or her custodian~~ or the parent, guardian, or custodian of the juvenile.

(B) If the custodian is the State of Arkansas, both liability and the amount that may be assessed shall be determined by the Arkansas State Claims Commission;

~~(8) Order a fine of not more than five hundred dollars (\$500) to be paid by the juvenile, a parent, both parents, or the guardian;~~

1 ~~(9)(6)(A)~~ Order ~~that~~ the juvenile and ~~his or her parent, both~~
 2 ~~parents, or the guardian~~ the parent, guardian, or custodian of the juvenile
 3 to perform court-approved volunteer service in the community designed to
 4 contribute to the rehabilitation of the juvenile or to the ability of the
 5 ~~parent or guardian~~ parent, guardian, or custodian of the juvenile to provide
 6 proper parental care and supervision of the juvenile, ~~not to exceed.~~

7 (B) The juvenile or the parent, guardian, or custodian of
 8 the juvenile shall not be required to:

9 (i) Participate in volunteer service in the
 10 community for more than one hundred sixty (160) hours;

11 (ii) Participate in volunteer service in the
 12 community if participating in the volunteer service would cause an undue
 13 hardship for the juvenile or the parent, guardian, or custodian of the
 14 juvenile; or

15 (iii) Pay a cost for participating in the volunteer
 16 service in the community;

17 ~~(10)(A)(7)(A)~~ Order that the parent, ~~both parents, or the~~
 18 ~~guardian, or custodian~~ of the juvenile attend a court-approved parental
 19 responsibility training program if available.

20 (B) The court may make reasonable orders requiring proof
 21 of completion of the court-approved parental responsibility training program
 22 within a certain time period ~~and payment of a fee covering the cost of the~~
 23 ~~training program.~~

24 ~~(C) The court may provide that any violation of such~~
 25 ~~orders shall subject the parent, both parents, or the guardian to the~~
 26 ~~contempt sanctions of the court~~ The parent, guardian, or custodian of the
 27 juvenile shall not be required to:

28 (i) Attend the court-approved parental
 29 responsibility training program if attending the court-approved parental
 30 responsibility training program would cause an undue hardship for the parent,
 31 guardian, or custodian of the juvenile; or

32 (ii) Pay the cost for attending the court-approved
 33 parental responsibility training program;

34 ~~(11)(A)(i)(8)(A)(i)~~ Order that the juvenile remain in a juvenile
 35 detention facility for an indeterminate period not to exceed ninety (90) days
 36 at no cost to the juvenile or the parent, guardian, or custodian of the

1 juvenile.

2 (ii) The court may further order that the juvenile
3 be eligible for work release or to attend school or other educational or
4 vocational training at no cost to the juvenile or the parent, guardian, or
5 custodian of the juvenile.

6 (B) The juvenile detention facility shall afford
7 opportunities for education, recreation, and other rehabilitative services to
8 adjudicated delinquents at no cost to the juvenile or the parent, guardian,
9 or custodian of the juvenile;

10 ~~(12)(9)(A)~~ Place the juvenile on residential detention with
11 electronic monitoring, either in the juvenile's home or in another facility
12 as ordered by the court, at no cost to the juvenile or the parent, guardian,
13 or custodian of the juvenile.†

14 ~~(13)(A)(B)~~ ~~Order the parent, both parents, or the guardian of~~
15 ~~any A juvenile~~ or the parent, guardian, or custodian of a juvenile
16 adjudicated delinquent and committed to a youth services center, detained in
17 a juvenile detention facility, or placed on electronic monitoring ~~to be~~ shall
18 not be liable for the cost of the commitment, detention, or electronic
19 monitoring; or

20 ~~(B)(i)~~ ~~The court shall take into account the financial~~
21 ~~ability of the parent, both parents, or the guardian to pay for the~~
22 ~~commitment, detention, or electronic monitoring.~~

23 ~~(ii)~~ ~~The court shall take into account the past~~
24 ~~efforts of the parent, both parents, or the guardian to correct the~~
25 ~~delinquent juvenile's conduct.~~

26 ~~(iii)~~ ~~If the parent is a noncustodial parent, the~~
27 ~~court shall take into account the opportunity the parent has had to correct~~
28 ~~the delinquent juvenile's conduct.~~

29 ~~(iv)~~ ~~The court shall take into account any other~~
30 ~~factors the court deems relevant.~~

31 ~~(14)(10)(A)~~ When a juvenile is committed to a youth services
32 center or detained in a juvenile detention facility and the juvenile is
33 covered by private health insurance, order the ~~parent or guardian~~ parent,
34 guardian, or custodian of the juvenile to provide information on the
35 juvenile's health insurance coverage, including a copy of the health
36 insurance policy and the pharmacy card when available, to the juvenile

1 detention ~~center~~ facility or youth services center that has physical custody
2 of the juvenile, ~~or~~.

3 (B) The juvenile or the parent, guardian, or custodian of
4 the juvenile shall not be required to pay for the cost of medical treatment
5 received by the juvenile that is incurred while the juvenile is in the
6 physical custody of a juvenile detention facility or youth services center.

7 (C) The quality of medical care, including specialty care,
8 provided to the juvenile while the juvenile is in the physical custody of a
9 juvenile detention facility or youth services center shall not be dependent
10 on the juvenile's health insurance coverage.

11 (15)(A) Order the Department of Finance and Administration to
12 suspend the driving privileges of any juvenile adjudicated delinquent.

13 (B) The order shall be prepared and transmitted to the
14 Department of Finance and Administration within twenty-four (24) hours after
15 the juvenile has been found delinquent and is sentenced to have his or her
16 driving privileges suspended.

17 (C) The court may provide in the order for the issuance of
18 a restricted driving permit to allow driving to and from a place of
19 employment or driving to and from school or for other circumstances.

20
21 SECTION 12. Arkansas Code § 9-27-330, concerning juvenile delinquency
22 dispositions and alternatives, is amended to add an additional subsection to
23 read as follows:

24 (k)(1) The court shall not order a juvenile or the parent, guardian,
25 or custodian of a juvenile to pay costs, fees, or other expenses associated
26 with a program or service ordered by the court under this section.

27 (2) This subsection does not prohibit a court from ordering
28 restitution pursuant to subdivision (a)(7) of this section.

29
30 SECTION 13. Arkansas Code § 9-27-331(d)(1)(A), concerning limitations
31 on delinquency dispositions, is amended to read as follows:

32 (d)(1)(A) The court may enter an order for physical, psychiatric, or
33 psychological evaluation or counseling or treatment affecting the family of a
34 juvenile, at no cost to the juvenile or the parent, guardian, or custodian of
35 the juvenile, only after finding that the evaluation, counseling, or
36 treatment of family members is necessary for the treatment or rehabilitation

1 of the juvenile.

2
3 SECTION 14. Arkansas Code § 9-27-332 is amended to read as follows:

4 9-27-332. Disposition – Family in need of services – Generally.

5 ~~(a)~~ If a family is found to be in need of services, the circuit court
6 may enter an order making any of the following dispositions:

7 (1)(A) To order family services to rehabilitate the juvenile and
8 his or her family.

9 (B)(i) If the Department of Human Services is the provider
10 for family services, the family services shall be limited to those services
11 available ~~by~~ from the department's community-based providers or contractors,
12 excluding the contractors with the Division of Children and Family Services
13 and services of the department for which the family applies and is determined
14 eligible.

15 (ii) To prevent removal when the department is the
16 provider for family services, the court shall make written findings outlining
17 how each service is intended to prevent removal;

18 (2)(A) If it is in the best interest of the juvenile, transfer
19 custody of juvenile family members to another licensed agency responsible for
20 the care of juveniles or to a relative or other individual at no cost to the
21 juvenile or the parent, guardian, or custodian of the juvenile.

22 (B) If it is in the best interest of the juvenile and
23 because of acts or omissions by the parent, guardian, or custodian of the
24 juvenile, removal is necessary to protect the juvenile's health and safety,
25 the circuit court may enter an order to transfer custody to the department at
26 no cost to the juvenile or the parent, guardian, or custodian of the
27 juvenile.

28 (C) A juvenile in the custody of the department is
29 "awaiting foster care placement", as that term is used in the definition of
30 "homeless children and youths" in the McKinney-Vento Homeless Assistance Act,
31 42 U.S.C. § 11434a(2), if the juvenile:

32 (i) Is placed in a shelter, facility, or other
33 short-term placement with a plan of moving the juvenile within ninety (90)
34 days;

35 (ii) Is transferred to an emergency placement to
36 protect the juvenile's health or welfare;

1 (iii) Is placed in a provisional foster home as
2 defined by § 9-28-402;

3 (iv) Has experienced three (3) or more placements
4 within a twelve-month period; or

5 (v) Is placed in a regular foster home or other
6 placement that is not directly related to the permanency goal identified in
7 the case plan required under § 9-28-111;

8 (3)(A) ~~Order that the parent, both parents, or the guardian of~~
9 ~~the juvenile~~ Unless participation would cause an undue hardship for the
10 parent, guardian, or custodian of the juvenile, order the parent, guardian,
11 or custodian of the juvenile to attend a court-ordered parental
12 responsibility training program, if available, at no cost to the parent,
13 guardian, or custodian of the juvenile.

14 (B) The court may make reasonable orders requiring proof
15 of completion of ~~such a~~ court-ordered parental responsibility training
16 program within a certain time period and payment of a fee covering the cost
17 of the training program;

18 (4) Place the juvenile on residential detention with electronic
19 monitoring in the juvenile's home at no cost to the juvenile or the parent,
20 guardian, or custodian of the juvenile;

21 (5)(A) ~~Order~~ Unless participation would cause an undue hardship
22 for the juvenile or the parent, guardian, or custodian of the juvenile, order
23 the juvenile, his or her parent, both parents, or guardian or the parent,
24 guardian, or custodian of the juvenile to perform court-approved volunteer
25 service in the community designed to contribute to the rehabilitation of the
26 juvenile or the ability of the parent or guardian parent, guardian, or
27 custodian of the juvenile to provide proper parental care and supervision of
28 the juvenile, not to exceed one hundred sixty (160) hours.

29 (B) Participation in court-ordered volunteer service in
30 the community shall be at no cost to the juvenile or the parent, guardian, or
31 custodian of the juvenile; and

32 (6)(A)(i) Place the juvenile on supervision terms, including
33 without limitation requiring the juvenile to attend school or make
34 satisfactory progress toward attaining a high school equivalency diploma
35 approved by the Adult Education Section, requiring the juvenile to observe a
36 curfew, and prohibiting the juvenile from possessing or using any alcohol or

1 illegal drugs.

2 ~~(B)(ii)~~ The supervision terms shall be in writing.

3 ~~(C)(iii)~~ The supervision terms shall be given to the
 4 juvenile at no cost to the juvenile or the parent, guardian, or custodian of
 5 the juvenile and explained to the juvenile and to his or her parent,
 6 guardian, or custodian by the juvenile intake or probation officer in a
 7 conference immediately following the disposition hearing+.

8 ~~(7)(A)(B)~~ ~~Order a fine not to exceed five hundred dollars (\$500)~~
 9 The court shall not order a fine to be paid by the juvenile, ~~a parent, both~~
 10 ~~parents, a guardian, or a custodian~~ or the parent, guardian, or custodian of
 11 the juvenile, or order volunteer service in the community in lieu of a fine,
 12 when the juvenile exceeds the number of excessive unexcused absences provided
 13 in the student attendance policy of the district or the Career Education and
 14 Workforce Development Board.

15 ~~(B)~~ ~~The purpose of the penalty set forth in this section~~
 16 ~~is to impress upon the parents, guardians, or persons in loco parentis the~~
 17 ~~importance of school or adult education attendance, and the penalty is not to~~
 18 ~~be used primarily as a source of revenue.~~

19 ~~(C)(i)~~ ~~In all cases in which a fine is ordered, the court~~
 20 ~~shall determine the parent's, guardian's, or custodian's ability to pay for~~
 21 ~~the fine.~~

22 ~~(ii)~~ ~~In making its determination, the court shall~~
 23 ~~consider the following factors+.~~

24 ~~(a)~~ ~~The financial ability of the parent, both~~
 25 ~~parents, the guardian, or the custodian to pay for such services+.~~

26 ~~(b)~~ ~~The past efforts of the parent, both~~
 27 ~~parents, the guardian, or the custodian to correct the conditions that~~
 28 ~~resulted in the need for family services; and~~

29 ~~(c)~~ ~~Any other factors that the court deems~~
 30 ~~relevant.~~

31 ~~(D)~~ ~~When practicable and appropriate, the court may~~
 32 ~~utilize mandatory attendance to such programs as well as community service~~
 33 ~~requirements in lieu of a fine+.~~

34 ~~(8)~~ ~~Assess a court cost of no more than thirty five dollars~~
 35 ~~(\$35.00) to be paid by the juvenile, his or her parent, both parents, the~~
 36 ~~guardian, or the custodian; and~~

~~(9) Order a juvenile service fee not to exceed twenty dollars (\$20.00) a month to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian.~~

~~(b) The court may provide that any violation of its orders shall subject the parent, both parents, the juvenile, custodian, or guardian to contempt sanctions.~~

SECTION 15. Arkansas Code § 9-27-357(a) and (b), concerning fines and sanctions under the Arkansas Juvenile Code of 1989, are amended to read as follows:

(a) A ~~person~~ juvenile who is adjudicated delinquent for one (1) of the following offenses shall may have a deoxyribonucleic acid sample drawn at no cost to the juvenile or the parent, guardian, or custodian of the juvenile:

- (1) Rape, § 5-14-103;
- (2) Sexual assault in the first degree, § 5-14-124;
- (3) Sexual assault in the second degree, § 5-14-125;
- (4) Incest, § 5-26-202;
- (5) Capital murder, § 5-10-101;
- (6) Murder in the first degree, § 5-10-102;
- (7) Murder in the second degree, § 5-10-103;
- (8) Kidnapping, § 5-11-102;
- (9) Aggravated robbery, § 5-12-103;
- (10) Terroristic act, § 5-13-310; ~~and~~ or
- (11) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

~~(b) The court shall order a fine of two hundred fifty dollars (\$250) unless the court finds that the fine would cause an undue hardship.~~

SECTION 16. Arkansas Code § 9-27-602(d), concerning required assessments for juvenile mental health services, is amended to read as follows:

~~(d)(1) The court shall make a determination of the ability of the parent, guardian, or custodian of the juvenile to pay in whole or in part for mental health services~~ A juvenile or the parent, guardian, or custodian of the juvenile shall not be required to pay for mental health services ordered by the court under this section.

1 ~~(2) If the court determines an ability to pay, the court shall~~
 2 ~~enter such an order for payment pursuant to § 9-27-333(e).~~

3
 4 SECTION 17. Arkansas Code § 16-87-201, concerning definitions
 5 applicable to the Arkansas Public Defender Commission, is amended to add an
 6 additional subdivision to read as follows:

7 (4) "Juvenile" means a person who is:

8 (A) Under eighteen (18) years of age; and

9 (B) Under the jurisdiction of the criminal division of
 10 circuit court or the jurisdiction of the juvenile division of circuit court
 11 under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

12
 13 SECTION 18. Arkansas Code § 16-87-213(a)(1)(A), concerning
 14 certificates of indigency, is amended to read as follows:

15 (a)(1)(A)(i) ~~Any~~ Except as provided in subdivision (a)(1)(A)(ii) of
 16 this section, a person who is charged with an offense punishable by
 17 imprisonment ~~who~~ and desires to be represented by an appointed attorney shall
 18 file with the court in which the person is charged a written certificate of
 19 indigency.

20 (ii) A juvenile who is charged with an offense
 21 punishable by imprisonment and desires to be represented by an appointed
 22 attorney shall be presumed indigent and shall not be required to complete a
 23 certificate of indigency.

24 (iii) A parent, guardian, or custodian of a juvenile
 25 who is subject to a delinquency proceeding shall be presumed indigent for the
 26 purposes of being appointed an attorney for the delinquency proceeding and
 27 shall not be required to complete a certificate of indigency.

28
 29 SECTION 19. Arkansas Code § 16-87-213(b)(1), concerning certificates
 30 of indigency, is amended to read as follows:

31 (b)(1)(A) At the time of appointment of an attorney, the court
 32 immediately shall assess a fee of not less than ten dollars (\$10.00) nor more
 33 than four hundred dollars (\$400) to be paid to the commission in order to
 34 defray the costs of the public defender system.

35 (B) The court shall not assess a fee under subdivision
 36 (b)(1)(A) of this section if the person charged with an offense is a

1 juvenile.

2
3 SECTION 20. Arkansas Code § 16-18-213(d), concerning certificates of
4 indigency, is amended to read as follows:

5 (d)(1) The appointing court may at any time review and redetermine
6 whether or not a person is an indigent person who qualifies for the
7 appointment of an attorney pursuant to this subchapter.

8 (2) Subdivision (d)(1) of this section does not apply to a
9 person who was a juvenile at the time he or she was charged with an offense.

10
11 SECTION 21. Arkansas Code § 16-87-217, concerning the recovery of fees
12 owed by a person determined not to be indigent, is amended to add an
13 additional subsection to read as follows:

14 (e) This section does not apply to:

15 (1) A person who is a juvenile at the time of the commission of
16 the delinquent act;

17 (2) A person who is a juvenile at the time the circuit court,
18 county court, or district court renders a judgment under this section;

19 (3) A juvenile; or

20 (4) The parent, guardian, or custodian of a juvenile.

21
22 SECTION 22. Arkansas Code § 16-87-218(c)(5)-(7), concerning schedules
23 of costs for legal services, are amended to read as follows:

24 (5) Any other misdemeanor:

25 (A) For an early disposition, sixty-five dollars (\$65.00);

26 (B) For a negotiated plea or disposition before trial, one
27 hundred twenty-five dollars (\$125); or

28 (C) For a trial or an extended matter, five hundred
29 dollars (\$500); or

30 ~~(6) Any juvenile matter;~~

31 ~~(A) For an early disposition, sixty five dollars (\$65.00);~~

32 ~~(B) For a negotiated plea or disposition before trial, one~~
33 ~~hundred twenty five dollars (\$125); or~~

34 ~~(C) For a trial or an extended matter, five hundred~~
35 ~~dollars (\$500); or~~

36 ~~(7)(6) Any post-conviction relief that is not a direct appeal of~~

1 the conviction:

- 2 (A) For an early disposition, two hundred dollars (\$200);
 3 (B) For a negotiated plea or disposition before trial or
 4 hearing, four hundred dollars (\$400); or
 5 (C) For a trial or hearing or an extended matter, six
 6 hundred twenty-five dollars (\$625).

7
 8 SECTION 23. Arkansas Code § 16-87-218, concerning schedules for costs
 9 for legal services, is amended to add an additional subsection to read as
 10 follows:

11 (e) The court shall not enter a judgment in favor of the State of
 12 Arkansas for legal services rendered by the public defender or for costs
 13 listed in subsection (c) of this section:

- 14 (1) In a juvenile matter;
 15 (2) Against a defendant who was a juvenile at the time the
 16 offense was committed;
 17 (3) Against a juvenile; or
 18 (4) Against the parent, guardian, or custodian of a juvenile in
 19 a juvenile matter.

20
 21 SECTION 24. Arkansas Code § 16-100-209(a), concerning costs and fees
 22 paid by mental health specialty court program participants, is amended to
 23 read as follows:

24 (a)(1) The mental health specialty court may order the mental health
 25 specialty court program participant to pay:

- 26 ~~(1)~~(A) Court costs as provided in § 16-10-305;
 27 ~~(2)~~(B) Healthcare and treatment costs not otherwise
 28 covered by the health insurance of the mental health specialty court program
 29 participant;
 30 ~~(3)~~(C) Drug testing costs;
 31 ~~(4)~~(D) A mental health specialty court program user fee;
 32 ~~(5)~~(E) Necessary supervision fees, including any
 33 applicable residential treatment fees;
 34 ~~(6)~~(F) Any fees determined or authorized under § 12-27-
 35 125(b)(17)(B) or § 16-93-104(a)(1) that are to be paid to the Division of
 36 Community Correction;

~~(7)~~(G) Global Positioning System monitoring costs; and

~~(8)~~(H) Continual alcohol monitoring fees.

(2) A participant and the parent, guardian, or custodian of the participant shall not be ordered to pay costs or fees listed under subdivision (a)(1) of this section if the participant is a juvenile as defined in § 9-27-303.

SECTION 25. DO NOT CODIFY. Costs – Collection and revenue.

(a) This act applies to:

(1) A person under eighteen (18) years of age who is under the jurisdiction of a criminal division of circuit court or juvenile division of circuit court under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.; and

(2) The parent, guardian, or custodian of a person under eighteen (18) years of age who is under the jurisdiction of a criminal division of circuit court or juvenile division of circuit court under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

(b) An unpaid or outstanding balance of a county-assessed cost, court-ordered cost, or other state cost imposed against a juvenile, the parent, guardian, or custodian of a juvenile, or another person liable for the support of a juvenile under §§ 9-27-316, 9-27-323, 9-27-330–9-27-332, 9-27-357, 9-27-602, 16-87-213, 16-87-217, 16-87-218, and 16-100-209 and before the effective date of this act is vacated, unenforceable, uncollectable, and void.

(c) Any costs saved as a result of this act shall be redirected to community initiatives in accordance with the reinvestment plan developed by the Division of Youth Services as provided in § 9-28-1203.

SECTION 26. DO NOT CODIFY. Title.

The Arkansas Code Revision Commission shall rename Chapter 27 of Title 9 of the Arkansas Code concerning Family Law "Proceedings Involving Juveniles".