

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1754

5 By: Representative G. Hodges  
6

## For An Act To Be Entitled

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

## Subtitle

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

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

23 SECTION 1. Arkansas Code § 6-18-222(a)(5)(A), concerning the penalty  
24 for unexcused absences and the revocation of driving privileges, is amended  
25 to read as follows:

26 (5)(A) When a student exceeds the number of unexcused absences  
27 provided for in the district's or the Career Education and Workforce  
28 Development Board's student attendance policy, or when a student has violated  
29 the conditions of an agreement granting special arrangements under  
30 subdivision (a)(4)(D) of this section, the school district or the adult  
31 education program shall notify the prosecuting authority and the community  
32 truancy board, if a community truancy board has been created, and the  
33 student's parent, guardian, or person in loco parentis shall be subject to a  
34 civil penalty through a family in need of services action in circuit court,  
35 as authorized under subdivision (a)(6)(A) of this section, but not to exceed  
36 five hundred dollars (\$500) ~~plus costs of court and any reasonable fees~~



1 ~~assessed by the court.~~

2  
 3 SECTION 2. DO NOT CODIFY. Arkansas Code Title 9, Chapter 27, is  
 4 renamed "Proceedings Involving Juveniles".

5  
 6 SECTION 3. Arkansas Code § 9-27-303(33), concerning the definition of  
 7 "juvenile" as applicable to the Arkansas Juvenile Code of 1989, is amended to  
 8 read as follows:

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

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

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

16 (C) Both of the following:

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

18 (ii) Under the jurisdiction of the criminal division  
 19 of circuit court or under the jurisdiction of the juvenile division of  
 20 circuit court under this subchapter;

21  
 22 SECTION 4. Arkansas Code § 9-27-316(b), concerning the right to  
 23 counsel under the Arkansas Juvenile Code of 1989, is amended to read as  
 24 follows:

25 (b)(1)(A)(i) ~~The inquiry concerning the ability of the juvenile to~~  
 26 ~~retain counsel shall include a consideration of the juvenile's financial~~  
 27 ~~resources and the financial resources of his or her family~~ There is a  
 28 rebuttable presumption that juveniles are indigent for the purposes of  
 29 appointing counsel.

30 (ii) If the court appoints counsel to represent the  
 31 juvenile, the appointment shall be made at no cost to the juvenile or the  
 32 parent, guardian, or custodian of the juvenile.

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

36 (2) ~~After review by the court of an affidavit of financial means~~

1 ~~completed and verified by the parent of the juvenile and a determination by~~  
 2 ~~the court that the parent or juvenile has the ability to pay, the The court~~  
 3 ~~may shall not order financially able juveniles, parents, guardians, or~~  
 4 ~~eustodians a juvenile or the parent, guardian, or custodian of a juvenile to~~  
 5 pay all or part of ~~reasonable~~ attorney's fees and expenses for representation  
 6 of a ~~the~~ juvenile.

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

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

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

19  
 20 SECTION 5. Arkansas Code § 9-27-323 is amended to read as follows:

21 9-27-323. Diversion – Conditions – Agreement – Completion – Definition.

22 (a) If the prosecuting attorney, after consultation with the intake  
 23 officer, determines that a diversion of a delinquency case is in the best  
 24 interests of the juvenile and the community, the officer with the consent of  
 25 the juvenile and his or her parent, guardian, or custodian may attempt to  
 26 make a satisfactory diversion of a case.

27 (b) If the intake officer determines that a diversion of a family in  
 28 need of services case is in the best interest of the juvenile and the  
 29 community, the officer with the consent of the petitioner, juvenile, and his  
 30 or her parent, guardian, or custodian may attempt to make a satisfactory  
 31 diversion of a case.

32 (c) In addition to the requirements of subsections (a) and (b) of this  
 33 section, a diversion of a case is subject to the following conditions:

34 (1) The juvenile has admitted his or her involvement in:

35 (A) A delinquent act for a delinquency diversion; or

36 (B) A family in need of services act for a family in need

1 of services diversion;

2 (2) The intake officer advises the juvenile and his or her  
3 parent, guardian, or custodian that they have the right to refuse a diversion  
4 of the case and demand the filing of a petition and a formal adjudication;

5 (3) Any diversion agreement is entered into voluntarily and  
6 intelligently by the juvenile with the advice of his or her attorney or by  
7 the juvenile with the consent of a parent, guardian, or custodian if the  
8 juvenile is not represented by counsel;

9 (4) The diversion agreement provides for the supervision of a  
10 juvenile or the referral of the juvenile to a public or private agency for  
11 services not to exceed six (6) months;

12 (5) All other terms of a diversion agreement do not exceed nine  
13 (9) months; and

14 (6) The juvenile and his or her parent, guardian, or custodian  
15 shall have the right to terminate the diversion agreement at any time and to  
16 request the filing of a petition and a formal adjudication.

17 (d)(1) The terms of the diversion agreement shall:

18 (A) Be in writing in simple, ordinary, and understandable  
19 language;

20 (B) State that the agreement was entered into voluntarily  
21 by the juvenile;

22 (C) Name the attorney or other person who advised the  
23 juvenile upon the juvenile's entering into the agreement; and

24 (D) Be signed by all parties to the agreement and by the  
25 prosecuting attorney if it is a delinquency case and the offense would  
26 constitute a felony if committed by an adult or a family in need of services  
27 case pursuant to § 6-18-222.

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

33 (e) Diversion agreements shall be:

34 (1) Implemented by all juvenile courts based on validated  
35 assessment tools; and

36 (2) Used to provide for:

1 (A) Nonjudicial probation under the supervision of the  
 2 intake officer or probation officer for a period during which the juvenile  
 3 may be required to comply with specified conditions concerning his or her  
 4 conduct and activities;

5 (B) Participation in a court-approved program of  
 6 education, counseling, or treatment;

7 (C) Participation in a court-approved teen court;

8 (D) Participation in a juvenile drug court program;

9 (E) Enrollment in the Regional Educational Career  
 10 Alternative School System for Adjudicated Youth; and

11 (F)(i) Payment of restitution to the victim.

12 (ii) Payments of restitution under subdivision  
 13 (e)(2)(F)(i) of this section shall be paid under § 16-13-326.

14 (f)(1) If a diversion of a complaint has been made, a petition based  
 15 upon the events out of which the original complaint arose may be filed;

16 (A) At no cost to the juvenile or the parent, guardian, or  
 17 custodian of the juvenile; and

18 (B) ~~only~~ Only during the period for which the agreement  
 19 was entered into.

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

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

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

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

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

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

(h) Upon the satisfactory completion of the diversion period:

(1) The juvenile shall be dismissed without further proceedings;

(2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and

(3) The complaint and the diversion agreement, and all references ~~thereto~~ to the complaint and the diversion agreement, may 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.

~~(i)(1) 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 custodian's ability to pay the fee 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 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 6. Arkansas Code § 9-27-330(a), concerning juveniles found to be delinquent, is amended to read as follows:

(a) If a juvenile is found to be delinquent, the circuit court may enter an order making any of the following dispositions based upon the best interest of the juvenile:

(1)(A) Transfer legal custody of the juvenile to any licensed agency responsible for the care of delinquent juveniles or to a relative or other individual.

(B)(i) Commit the juvenile to the Division of Youth Services using the validated risk assessment system for Arkansas juvenile offenders selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division and distributed and administered by the Administrative Office of the Courts.

(ii)(a) The validated risk assessment system selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division shall be:

(1) The only validated risk assessment used by courts for commitment;

1 (2) Used throughout the state; and  
 2 (3) Applied to all commitment decisions  
 3 for all juvenile offenders.

4 (b) The validated risk assessment may be  
 5 changed to another validated risk assessment system by the Juvenile Judges  
 6 Committee of the Arkansas Judicial Council with the division.

7 (iii)(a) In an order of commitment, the court  
 8 may recommend that a juvenile be placed in a treatment program or community-  
 9 based program instead of a youth services center and shall make specific  
 10 findings in support of such a placement in the order.

11 (b) The court shall also specify in its  
 12 recommendation whether it is requesting a division aftercare plan upon the  
 13 juvenile's release from the division.

14 (c) A court may not commit a juvenile to  
 15 the division if the juvenile is adjudicated delinquent of only a misdemeanor  
 16 offense unless the:

17 (1) Juvenile is determined to be  
 18 moderate risk or high risk by the validated risk assessment; and

19 (2) Court makes specific findings  
 20 as to the factors considered for the disposition to be in the juvenile's best  
 21 interest.

22 (d) A court may not commit a juvenile to  
 23 the division if the juvenile is adjudicated delinquent of only a misdemeanor  
 24 offense and the juvenile is determined to be low risk by the validated risk  
 25 assessment.

26 (iv) A circuit court committing a juvenile to the  
 27 division under subdivision (a)(1)(B)(iii) of this section shall make written  
 28 findings and consider the following factors in making its determination to  
 29 commit the juvenile to the division:

30 (a) The previous history of the juvenile,  
 31 including without limitation whether:

32 (1) The juvenile has been adjudicated  
 33 delinquent and, if so, whether the offense was against a person or property;  
 34 and

35 (2) Any other previous history of  
 36 antisocial behavior or patterns of physical violence exist;

1 (b) Whether the circuit court has previously  
 2 offered less restrictive programs or services to the juvenile and whether  
 3 there are less restrictive programs or services available to the court that  
 4 are likely to rehabilitate the juvenile before the expiration of the court's  
 5 jurisdiction;

6 (c) Written reports and other materials  
 7 relating to the juvenile's mental, physical, educational, and social history;  
 8 and

9 (d) Any other factors deemed relevant by the  
 10 circuit court.

11 (v) Upon receipt of an order of commitment with  
 12 recommendations for placement, the division shall consider the  
 13 recommendations of the committing court in placing a juvenile in a youth  
 14 services facility or a community-based program.

15 (vi) Upon receipt of an order of commitment, the  
 16 division or its contracted provider or designee shall prepare a written  
 17 treatment plan that:

18 (a) States the treatment plan for the  
 19 juvenile, including the types of programs and services that will be provided  
 20 to the juvenile;

21 (b) States the anticipated length of the  
 22 juvenile's commitment;

23 (c)(1) States recommendations as to the most  
 24 appropriate post-commitment placement for the juvenile.

25 (2) If the juvenile cannot return to the  
 26 custody of his or her parent, guardian, or custodian because of child  
 27 maltreatment, which includes the parent's, guardian's, or custodian's  
 28 refusing to take responsibility for the juvenile, the division shall  
 29 immediately contact the Office of Chief Counsel of the Department of Human  
 30 Services.

31 (3) The Office of Chief Counsel of the  
 32 Department of Human Services shall petition the committing court to determine  
 33 the issue of custody of the juvenile;

34 (d) States any post-commitment community-based  
 35 services that will be offered to the juvenile and to his or her family by the  
 36 division or the community-based provider;

1 (e)(1) Outlines an aftercare plan, if  
2 recommended, including specific terms and conditions required of the juvenile  
3 and the community-based provider.

4 (2) If the juvenile progresses in  
5 treatment and an aftercare plan is no longer recommended or the terms of the  
6 aftercare plan need to be amended as a result of treatment changes, any  
7 change in the terms of the aftercare plan and conditions shall be provided in  
8 writing and shall be explained to the juvenile.

9 (3) The terms and conditions shall be  
10 provided also to the prosecuting attorney, the juvenile's attorney, and to  
11 the juvenile's legal parent, guardian, or custodian by the division or its  
12 designee before the juvenile's release from the division.

13 (4) All aftercare terms shall be  
14 provided to the committing court; and

15 (f)(1) The treatment plan shall be filed with  
16 the committing court no later than thirty (30) days from the date of the  
17 commitment order or before the juvenile's release, whichever is sooner.

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

21 (3) A copy shall be provided to the  
22 prosecutor, the juvenile's attorney, and to the juvenile's legal parent,  
23 guardian, or custodian and shall be filed in the court files of any circuit  
24 court where a dependency-neglect or family in need of services case  
25 concerning that juvenile is pending.

26 (C) This transfer of custody shall not include placement  
27 of adjudicated delinquents into the custody of the Department of Human  
28 Services for the purpose of foster care except as under the Child  
29 Maltreatment Act, § 12-18-101 et seq.;

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

33 (3) Grant permanent custody to an individual upon proof that the  
34 parent or guardian from whom the juvenile has been removed has not complied  
35 with the orders of the court and that no further services or periodic reviews  
36 are required;

1 (4)(A) Place the juvenile on probation under those conditions  
 2 and limitations that the court may prescribe pursuant to § 9-27-339(a).

3 (B)(i) In addition, the court shall have the right as a  
 4 term of probation to require the juvenile to attend school or make  
 5 satisfactory progress toward attaining a high school equivalency diploma  
 6 approved by the Adult Education Section.

7 (ii) The court shall have the right to revoke  
 8 probation if the juvenile fails to regularly attend school or if satisfactory  
 9 progress toward attaining a high school equivalency diploma approved by the  
 10 Adult Education Section is not being made;

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

13 ~~(6) Assess a court cost of no more than thirty five dollars~~  
 14 ~~(\$35.00) to be paid by the juvenile, his or her parent, both parents, or his~~  
 15 ~~or her guardian;~~

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

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

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

24 ~~(9)(6)(A) Order that the juvenile and his or her parent, both~~  
 25 ~~parents, or the guardian~~ the parent, guardian, or custodian of the juvenile  
 26 perform court-approved volunteer service in the community designed to  
 27 contribute to the rehabilitation of the juvenile or to the ability of the  
 28 parent, ~~or guardian, or custodian of the juvenile~~ to provide proper parental  
 29 care and supervision of the juvenile, ~~not to exceed one hundred sixty (160)~~  
 30 ~~hours.~~

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

33 (i) Participate in volunteer service in the  
 34 community for more than one hundred sixty (160) hours; or

35 (ii) Pay a cost for participating in the  
 36 volunteer service in the community;

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

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

8           (C) The court may provide that any violation of such  
9   orders shall subject the parent, ~~both parents, or the~~ guardian, or custodian  
10 of the juvenile to the contempt sanctions of the court.

11          (D) The parent, guardian, or custodian of the juvenile  
12 shall not be required to pay the cost for attending the court-approved  
13 parental responsibility training program;

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

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

22          (B) The juvenile detention facility shall afford  
23   opportunities for education, recreation, and other rehabilitative services to  
24   adjudicated delinquents at no cost to the juvenile or the parent, guardian,  
25 or custodian of the juvenile;

26          ~~(12)(9)(A)~~ Place the juvenile on residential detention with  
27   electronic monitoring, either in the juvenile's home or in another facility  
28   as ordered by the court, at no cost to the juvenile or the parent, guardian,  
29 or custodian of the juvenile.

30          ~~(13)(A)(B)~~ ~~Order the parent, both parents, or the guardian~~  
31 ~~of any~~ A juvenile or the parent, guardian, or custodian of a juvenile  
32   adjudicated delinquent and committed to a youth services center, detained in  
33   a juvenile detention facility, or placed on electronic monitoring ~~to be~~ shall  
34 not be liable for the cost of the commitment, detention, or electronic  
35   monitoring.

36          ~~(B)(i) The court shall take into account the financial~~

1 ability of the parent, both parents, or the guardian to pay for the  
 2 commitment, detention, or electronic monitoring.

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

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

9 ~~(iv) The court shall take into account any other~~  
 10 ~~factors the court deems relevant;~~

11 ~~(14)(10)(A)~~ When a juvenile is committed to a youth services  
 12 center or detained in a juvenile detention facility and the juvenile is  
 13 covered by private health insurance, order the parent, ~~or~~ guardian, or  
 14 custodian of the juvenile to provide information on the juvenile's health  
 15 insurance coverage, including a copy of the health insurance policy and the  
 16 pharmacy card when available, to the juvenile detention ~~center~~ facility or  
 17 youth services center that has physical custody of the juvenile; ~~or.~~

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

22 (C) The quality of medical care, including without  
 23 limitation specialty care, provided to the juvenile while the juvenile is in  
 24 the physical custody of a juvenile detention facility or youth services  
 25 center shall not be dependent on the juvenile's health insurance coverage; or

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

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

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

36

1 SECTION 7. Arkansas Code § 9-27-330, concerning juvenile delinquency  
2 dispositions and alternatives, is amended to add an additional subsection to  
3 read as follows:

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

7 (2) This subsection does not prohibit a court from ordering  
8 restitution under subdivision (a)(5) of this section.

9  
10 SECTION 8. Arkansas Code § 9-27-331(d)(1)(A), concerning limitations  
11 on delinquency determinations, is amended to read as follows:

12 (d)(1)(A)(i) The court may enter an order for physical, psychiatric,  
13 or psychological evaluation or counseling or treatment affecting the family  
14 of a juvenile only after finding that the evaluation, counseling, or  
15 treatment of family members is necessary for the treatment or rehabilitation  
16 of the juvenile.

17 (ii) Evaluations, counseling, or treatments under  
18 subdivision (d)(1)(A)(i) of this section shall be provided at no cost to the  
19 juvenile or the parent, guardian, or custodian of the juvenile.

20  
21 SECTION 9. Arkansas Code § 9-27-357 is amended to read as follows:

22 9-27-357. Deoxyribonucleic acid samples.

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

- 27 (1) Rape, § 5-14-103;  
28 (2) Sexual assault in the first degree, § 5-14-124;  
29 (3) Sexual assault in the second degree, § 5-14-125;  
30 (4) Incest, § 5-26-202;  
31 (5) Capital murder, § 5-10-101;  
32 (6) Murder in the first degree, § 5-10-102;  
33 (7) Murder in the second degree, § 5-10-103;  
34 (8) Kidnapping, § 5-11-102;  
35 (9) Aggravated robbery, § 5-12-103;  
36 (10) Terroristic act, § 5-13-310; and

1 (11) Aggravated assault upon a law enforcement officer or an  
 2 employee of a correctional facility, § 5-13-211, if a Class Y felony.

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

5 ~~(e)(1)(b)(1)~~ Only a juvenile adjudicated delinquent for one (1) of the  
 6 offenses listed in subsection (a) of this section shall have a  
 7 deoxyribonucleic acid sample drawn upon intake at a juvenile detention  
 8 facility or intake at a Division of Youth Services facility.

9 (2) If the juvenile is not placed in a facility, the juvenile  
 10 probation officer to whom the juvenile is assigned shall ensure that the  
 11 deoxyribonucleic acid sample is drawn.

12 ~~(d)(c)~~ All deoxyribonucleic acid samples taken under this section  
 13 shall be taken in accordance with rules promulgated by the State Crime  
 14 Laboratory.

15  
 16 SECTION 10. Arkansas Code § 9-27-367 is amended to read as follows:  
 17 9-27-367. Court costs, fees, and fines.

18 (a) The juvenile division of the circuit court may order the following  
 19 court costs, fees, and fines to be paid by adjudicated defendants to the  
 20 circuit court juvenile division fund as provided for in § 16-13-326:

21 ~~(1) The court may assess an adjudicated delinquent court costs~~  
 22 ~~not to exceed thirty-five dollars (\$35.00) as provided under § 9-27-~~  
 23 ~~330(a)(6);~~

24 ~~(2)(1)~~ The court may assess an adjudicated family in need of  
 25 services court costs not to exceed thirty-five dollars (\$35.00) as provided  
 26 under § 9-27-332(a)(8);

27 ~~(3) The court may order a probation fee for juveniles~~  
 28 ~~adjudicated delinquent not to exceed twenty dollars (\$20.00) per month as~~  
 29 ~~provided under § 9-27-330(a)(5);~~

30 ~~(4)(2)~~ The court may order a juvenile service fee for an  
 31 adjudicated family in need of services not to exceed twenty dollars (\$20.00)  
 32 per month as provided under § 9-27-332(a)(9); and

33 ~~(5) The court may order a fine for adjudicated delinquents of~~  
 34 ~~not more than five hundred dollars (\$500) as provided under § 9-27-330(a)(8);~~

35 ~~(6)(3)~~ The court may order a fine for an adjudicated family in  
 36 need of services of not more than five hundred dollars (\$500) as provided

1 under § 9-27-332(a)(7), ~~and~~

2 ~~(7) A juvenile intake or probation officer may charge a~~  
 3 ~~diversion fee limited to no more than twenty dollars (\$20.00) per month as~~  
 4 ~~provided under § 9-27-323.~~

5 (b)(1) The court shall direct that the juvenile division court costs  
 6 and fees be collected, maintained, and accounted for in the same manner as  
 7 juvenile probation and juvenile services fees as provided for in § 16-13-326.

8 (2) Except as provided in this section, in relation to a matter  
 9 involving a juvenile, the juvenile and the parent, guardian, or custodian of  
 10 the juvenile shall not be ordered to pay costs, fees, and fines or a  
 11 combination of costs, fees, and fines.

12  
 13 SECTION 11. Arkansas Code § 9-27-602(d), concerning required  
 14 assessments for juvenile mental health services, is amended to read as  
 15 follows:

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

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

23  
 24 SECTION 12. Arkansas Code § 16-10-305, concerning court costs, is  
 25 amended to add an additional subsection to read as follows:

26 (i) The authority to assess court costs under this section does not  
 27 apply to:

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

30 (2) A person who is a juvenile at the time the circuit court or  
 31 district court renders a judgment;

32 (3) A juvenile; or

33 (4) The parent, guardian, or custodian of a juvenile in relation  
 34 to the juvenile's delinquent act.

35  
 36 SECTION 13. Arkansas Code § 16-87-201, concerning definitions

1 applicable to the Arkansas Public Defender Commission, is amended to add an  
 2 additional subdivision to read as follows:

3 (5) "Juvenile" means a person who is:

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

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

8  
 9 SECTION 14. Arkansas Code § 16-87-213(a)(1)(A), concerning  
 10 certificates of indigency, is amended to read as follows:

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

16 (ii) There is a rebuttable presumption that a  
 17 juvenile is indigent for the purposes of appointing an attorney. A juvenile  
 18 shall not be required to complete a certificate of indigency. If the court  
 19 appoints an attorney to represent the juvenile, the appointment shall be made  
 20 at no cost to the juvenile or the parent, guardian, or custodian of the  
 21 juvenile.

22  
 23 SECTION 15. Arkansas Code § 16-87-218(c)(6), concerning schedules of  
 24 costs for legal services, is amended to read as follows:

25 (6) Any juvenile matter with the exception of a delinquency  
 26 matter:

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

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

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

32  
 33 SECTION 16. Arkansas Code § 16-87-218, concerning schedules of costs  
 34 for legal services, is amended to add an additional subsection to read as  
 35 follows:

36 (e) A court shall not enter a judgment in favor of the State of

1 Arkansas for legal services rendered by the public defender or for costs  
2 listed in subsection (c) of this section:

3 (1) In a juvenile matter;

4 (2) Against a defendant who was a juvenile at the time the  
5 offense was committed;

6 (3) Against a juvenile; or

7 (4) Against the parent, guardian, or custodian of a juvenile in  
8 a juvenile matter.

9  
10 SECTION 17. DO NOT CODIFY. Costs – Collection and revenue.

11 (a) As used in this section, "juvenile" means an individual under  
12 eighteen (18) years of age who is under the jurisdiction of a criminal  
13 division of circuit court or under a juvenile division of circuit court under  
14 the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

15 (b) On the effective date of this section, any judgment against a  
16 juvenile or the parent, guardian, or custodian of a juvenile entered on or  
17 before the effective date of this section for fines, fees, costs, or taxes  
18 associated with a juvenile matter is void and uncollectible to the extent  
19 that a balance remains due, including without limitation any post-judgment  
20 interest, penalties, or collection expenses associated with the fines, fees,  
21 costs, or taxes.

22 (c)(1) Any civil judgment, lien, or other legal encumbrance against a  
23 juvenile or the parent, guardian, or custodian of a juvenile entered on or  
24 before the effective date of this section in connection with fines, fees,  
25 costs, or taxes associated with a juvenile matter is vacated.

26 (2) The court administrator shall not charge any fees associated  
27 with the satisfaction of a civil judgment, lien, or other legal encumbrance  
28 vacated under subdivision (c)(1) of this section.

29 (d)(1) On or before January 1, 2024, the Administrative Office of the  
30 Courts, in consultation with state and municipal agencies, shall establish  
31 procedures to vacate and discharge the following for juveniles and the  
32 parents, guardians, or custodians of juveniles:

33 (A) All unpaid outstanding balances for fines, fees,  
34 costs, or taxes; and

35 (B) All unsatisfied civil judgments, liens, and legal  
36 encumbrances entered in connection with fines, fees, costs, or taxes

1 associated with a juvenile matter.

2 (2) The procedures under subdivision (d)(1) of this section  
3 shall not require a juvenile or the parent, guardian, or custodian of a  
4 juvenile to affirmatively act to initiate the procedures to vacate and  
5 discharge outstanding:

6 (A) Balances for fines, fees, costs, and taxes; and

7 (B) Unsatisfied civil judgments, liens, and legal  
8 encumbrances.

9 (e) Any savings in costs associated with the collection of fines,  
10 fees, costs, and taxes or civil judgments, liens, and legal encumbrances as a  
11 result of this section shall be directed to community initiatives in  
12 accordance with the reinvestment plan developed by the Division of Youth  
13 Services under § 9-28-1203.