

State of Arkansas *As Engrossed: S4/7/25 H4/9/25*

95th General Assembly

## A Bill

Regular Session, 2025

SENATE BILL 458

By: Senator G. Leding

By: Representative Clowney

### For An Act To Be Entitled

AN ACT TO REQUIRE A COURT TO CONSIDER THE IMPACT OF  
FACTORS SUCH AS TRAUMA AND INVOLVEMENT WITH THE CHILD  
WELFARE SYSTEM ON A PERSON WHO COMMITTED A CRIME AS A  
MINOR DURING A TRANSFER OR SENTENCING HEARING; AND  
FOR OTHER PURPOSES.

### Subtitle

TO REQUIRE A COURT TO CONSIDER THE  
IMPACT OF FACTORS SUCH AS TRAUMA AND  
INVOLVEMENT WITH THE CHILD WELFARE  
SYSTEM ON A PERSON WHO COMMITTED A CRIME  
AS A MINOR DURING A TRANSFER OR  
SENTENCING HEARING.

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

SECTION 1. Arkansas Code § 9-27-318(g), concerning what a court is  
required to consider in a hearing on the transfer of a delinquency matter to  
a criminal division of circuit court, is amended to read as follows:

(g) In the transfer hearing, the court shall consider all of the  
following factors:

(1) The seriousness of the alleged offense and whether the  
protection of society requires prosecution in the criminal division of  
circuit court;

(2) Whether the alleged offense was committed in an aggressive,  
violent, premeditated, or willful manner;

(3) Whether the offense was against a person or property, with



1 greater weight being given to offenses against persons, especially if  
2 personal injury resulted;

3 (4) The culpability of the juvenile, including the level of  
4 planning and participation in the alleged offense;

5 (5) The previous history of the juvenile, including whether the  
6 juvenile had been adjudicated a juvenile offender and, if so, whether the  
7 offenses were against persons or property, and any other previous history of  
8 antisocial behavior or patterns of physical violence;

9 (6) The sophistication or maturity of the juvenile as determined  
10 by consideration of the juvenile's home, environment, emotional attitude,  
11 pattern of living, or desire to be treated as an adult;

12 (7) Whether there are facilities or programs available to the  
13 judge of the juvenile division of circuit court that are likely to  
14 rehabilitate the juvenile before the expiration of the juvenile's twenty-  
15 first birthday;

16 (8) Whether the juvenile acted alone or was part of a group in  
17 the commission of the alleged offense;

18 (9) Written reports, ~~and other materials~~, and any other  
19 information relating to the juvenile's mental, physical, educational, and  
20 social history, including without limitation exposure to adverse childhood  
21 experiences, childhood trauma, involvement in the child welfare or foster  
22 care systems, status as a victim of human trafficking, sexual abuse, or rape;  
23 and

24 (10) Any other factors deemed relevant by the judge.  
25

26 *SECTION 2. Arkansas Code § 9-27-503(c)(9), concerning a court's*  
27 *findings and consideration of written reports and materials relating to a*  
28 *juvenile's mental, physical, educational, and social history as a factor in*  
29 *deciding to designate a juvenile as an extended juvenile jurisdiction*  
30 *offender, is amended to read as follows:*

31 (9) Written reports, ~~and other materials~~, and any other  
32 information relating to the juvenile's mental, physical, educational, and  
33 social history, including without limitation exposure to adverse childhood  
34 experiences, childhood trauma, involvement in the child welfare or foster  
35 care systems, status as a victim of human trafficking, sexual abuse, or rape;  
36 and

1 SECTION 3. Arkansas Code Title 16, Chapter 90, Subchapter 1, is  
2 amended to add an additional section to read as follows:

3 16-90-124. Sentencing of juvenile or person convicted for offense  
4 committed as juvenile – Factors.

5 If a person is convicted for an offense that the person committed when  
6 he or she was less than eighteen (18) years of age, the court shall, in  
7 addition to any other factors that the court is required to consider before  
8 imposing a sentence upon the person, consider the following:

9 (1) The exposure of the juvenile or person who committed the  
10 offense as a juvenile to adverse childhood experiences or childhood trauma,  
11 involvement in the child welfare or foster care systems, status as a victim  
12 of human trafficking, sexual abuse, or rape, and the impact of trauma on the  
13 juvenile's behavior; and

14 (2) The differences between a juvenile offender and an adult  
15 offender, including without limitation the diminished culpability of a  
16 juvenile as compared to that of an adult and the typical characteristics of  
17 youth.

18  
19 */s/G. Leding*  
20

21  
22 **APPROVED: 4/22/25**  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36