

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

As Engrossed: H4/3/23

A Bill

SENATE BILL 406

5 By: Senators K. Hammer, Irvin
6 By: Representative Dalby
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING EXTENDED JUVENILE
10 JURISDICTION DESIGNATION UNDER THE ARKANSAS JUVENILE
11 CODE OF 1989; TO AMEND THE CRIMINAL CHARGES THAT
12 WOULD ALLOW THE STATE TO REQUEST AN EXTENDED JUVENILE
13 JURISDICTION DESIGNATION IN A DELINQUENCY PETITION OR
14 FILE A SEPARATE MOTION WHEN ONE OR MORE OF THE
15 OFFENSES ARE CHARGED AGAINST A JUVENILE WHO IS
16 FOURTEEN OR FIFTEEN YEARS OF AGE; AND FOR OTHER
17 PURPOSES.

Subtitle

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20 TO AMEND THE LAW CONCERNING EXTENDED
21 JUVENILE JURISDICTION DESIGNATION UNDER
22 THE ARKANSAS JUVENILE CODE OF 1989.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 9-27-501 is amended to read as follows:

29 9-27-501. Extended juvenile jurisdiction designation.

30 (a) The state may request an extended juvenile jurisdiction
31 designation in a delinquency petition or file a separate motion if the:

32 (1) Juvenile, under thirteen (13) years of age at the time of
33 the alleged offense, is charged with capital murder, § 5-10-101, or murder in
34 the first degree, § 5-10-102, and the state has overcome presumptions of lack
35 of fitness to proceed and lack of capacity as set forth in § 9-27-502;

36 (2)(A) Juvenile, thirteen (13) years of age at the time of the



1 alleged offense, is charged with capital murder, § 5-10-101, or murder in the
2 first degree, § 5-10-102.

3 (B) However, juveniles thirteen (13) years of age at the
4 time of the alleged offense shall have an evaluation pursuant to § 9-27-502,
5 and the burden will be upon the juvenile to establish lack of fitness to
6 proceed and lack of capacity;

7 (3) Juvenile, fourteen (14) or fifteen (15) years of age at the
8 time of the alleged offense, is charged with any of the following crimes
9 ~~listed in § 9-27-318(b)(1) and (c)(2); or:~~

10 (A) Capital murder, § 5-10-101;

11 (B) Murder in the first degree, § 5-10-102;

12 (C) Murder in the second degree, § 5-10-103;

13 (D) Kidnapping, § 5-11-102;

14 (E) Aggravated robbery, § 5-12-103;

15 (F) Battery in the first degree, § 5-13-201;

16 (G) Battery in the second degree in violation of § 5-13-
17 202(a)(2), (3), or (4);

18 (H) Aggravated assault, § 5-13-204;

19 (I) Terroristic act, § 5-13-310;

20 (J) Rape, § 5-14-103;

21 (K) Sexual assault in the second degree, § 5-14-125;

22 (L) First degree escape, § 5-54-110;

23 (M) Second degree escape, § 5-54-111;

24 (N) Criminal use of prohibited weapons, § 5-73-104;

25 (O) Possession of a handgun on school property, § 5-73-
26 119(b)(1)(A);

27 (P) Unlawful discharge of a firearm from a vehicle, § 5-
28 74-107;

29 (Q) Any felony involving a firearm;

30 (R) Soliciting or recruiting a minor to join or to remain
31 a member of a criminal gang, organization, or enterprise, § 5-74-203; or

32 (S) A felony attempt, solicitation, or conspiracy to
33 commit any of the following offenses:

34 (i) Capital murder, § 5-10-101;

35 (ii) Murder in the first degree, § 5-10-102;

36 (iii) Murder in the second degree, § 5-10-103;

- (iv) Kidnapping, § 5-11-102;
- (v) Aggravated robbery, § 5-12-103;
- (vi) Battery in the first degree, § 5-13-201;
- (vii) Rape, § 5-14-103;
- (viii) First degree escape, § 5-54-110; and
- (ix) Second degree escape, § 5-54-111; or

(4) Juvenile, is at least sixteen (16) or seventeen (17) years of age at the time of the alleged offense, is charged with any of the crimes listed in § 9-27-318(b)(1) and (c)(2) when he or she engages in conduct that, if committed by an adult, would be a felony.

(b) The juvenile's attorney may file a motion to request extended juvenile jurisdiction if the state could have filed pursuant to subsection (a) of this section.

/s/K. Hammer