

ARKANSAS SENATE
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of Senate Bill 459

TO AMEND THE MINIMUM AGE NECESSARY TO ADJUDICATE A JUVENILE
DELINQUENT.

Amendment No. 1 to Senate Bill 459

Amend Senate Bill 459 as originally introduced:

Page 1, delete lines 25 through 36, and substitute the following:

"(1) Very young children under ten (10) years of age should be held accountable in an appropriate way, but do not have the intellectual capacity and maturity to understand the consequences of their actions and the charges against them, and scientific research has found that in children this young, qualities such as impulse control and future orientation are not well developed in the brain;

(2) Children under ten (10) years of age do not have the ability to form mens rea or criminal intent, but should still receive services and treatment when they engage in what would otherwise be delinquent or criminal behavior; and

(3) States such as Texas, Louisiana, Mississippi, North Dakota, South Dakota, and Kansas have set a minimum age of delinquency adjudication of ten (10) years of age with no exceptions for specific crimes."

AND

Page 2, delete lines 1 through 4

AND

Page 2, delete lines 5 through 12, and substitute the following:



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"(b) Therefore, it is the intent of the General Assembly to establish a minimum age of ten (10) years of age before a child may be adjudicated delinquent, provided that in cases involving homicide, the child be adjudicated a juvenile member of a family in need of services to ensure age-appropriate accountability and treatment through the supervision of the courts."

AND

Page 2, delete lines 18 through 29, and substitute the following:

~~"(A)—A~~ a juvenile ten (10) years old or older who:

~~(i)~~(A) Has committed an act other than a traffic offense or game and fish violation that, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state;

~~(ii)~~(B) Has violated § 5-73-119; ~~or~~

~~(iii)~~(C) Has violated § 5-71-217(d)(2), cyberbullying of a school employee; or

~~(B)~~(D) ~~Any juvenile~~ Has been charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, subject to extended juvenile jurisdiction;"

AND

Delete SECTION 3 in its entirety

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator G. Leding
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Secretary