

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/24/05

A Bill

HOUSE BILL 2481

5 By: Representative Schulte
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7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS JUVENILE CODE
10 REVISION COMMISSION; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO CREATE THE ARKANSAS JUVENILE CODE
13 REVISION COMMISSION.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 1 is amended
20 to add additional sections to read as follows:

21 9-27-103. The Arkansas Juvenile Code Revision Commission.

22 (a) There is created the Arkansas Juvenile Code Revision Commission.

23 (b) The commission shall consist of the following members:

24 (1) The Governor or the Governor's designee;

25 (2) A member of the House Committee on Judiciary to be appointed
26 by the Speaker of the House of Representatives;

27 (3) A member of the Senate Committee on Judiciary to be
28 appointed by the President Pro Tempore of the Senate;

29 (4) The chair of the House Committee on Aging, Children and
30 Youth, Legislative and Military Affairs or the chair's designee;

31 (5) The director of the Division of Youth Services of the
32 Department of Human Services or the director's designee;

33 (6) The director of the Division of Children and Family Services
34 or the director's designee;

35 (7) The Prosecutor Coordinator or his or her designee;

36 (8) The Juvenile Ombudsman for the Office of the Public Defender



1 or his or her designee;

2 (9) A public defender who regularly appears in the juvenile
3 division of a circuit court in the state to be appointed by the Public
4 Defender Commission;

5 (10) A prosecutor who regularly appears in the juvenile division
6 of a circuit court in the state appointed by the Prosecutor Coordinator;

7 (11) An attorney who regularly practices in the area of juvenile
8 law appointed by the President of the Arkansas Bar Association;

9 (12) A circuit judge whose case load has been at least fifty
10 percent (50%) juvenile matters for a minimum of five (5) years to be
11 appointed by the Chief Justice of the Arkansas Supreme Court;

12 (13) A circuit judge whose case load has been at least fifty
13 percent (50%) juvenile matters for a minimum of five (5) years to be
14 appointed by the Chief Judge of the Arkansas Court of Appeals;

15 (14) A judge of the Arkansas Court of Appeals to be appointed by
16 the Chief Judge of the Arkansas Court of Appeals;

17 (15) A Supreme Court Justice selected by the Chief Justice of
18 the Arkansas Supreme Court;

19 (16) The director of the Administrative Office of the Courts or
20 the director's designee;

21 (17) The chair of the Arkansas Coalition for Juvenile Justice or
22 the chair's designee;

23 (18) A sheriff to be appointed by the president of the Arkansas
24 Sheriff's Association;

25 (19) The director of the Department of the Arkansas State Police
26 or the director's designee;

27 (20) A professor from the University of Arkansas School of Law
28 who has special knowledge, skills, or experience in the area of juvenile law
29 to be appointed by the dean of the law school;

30 (21) A professor from the University of Arkansas at Little Rock,
31 William N. Bowen School of Law, who has special knowledge, skills, or
32 experience in the area of juvenile law to be appointed by the dean of the law
33 school;

34 (22) An attorney who is currently employed with the Department
35 of Human Services and has at least five (5) years of experience in juvenile
36 court practice to be appointed by the Director of the Department of Human

1 Services;

2 (23) The Executive Director of the Arkansas Code Revision
3 Commission or the director's designee; and

4 (24) The Director of the Bureau of Legislative Research or the
5 director's designee.

6 (c)(1) The chair of the House Committee on Aging, Children and Youth,
7 Legislative and Military Affairs or the chair's designee shall call the first
8 meeting within thirty (30) days of the effective date of this act and shall
9 serve as chair at the first meeting.

10 (2) At the first meeting, the members of the commission shall
11 elect from its membership a chair and other officers as needed for the
12 transaction of its business.

13 (3)(A) The commission shall conduct its meetings in Pulaski
14 County at the State Capitol.

15 (B) Meetings shall be held at least once every three (3)
16 months, but may occur more often at the call of the chair.

17 (d)(1) Except as provided in subdivision (d)(2) of this section, if a
18 vacancy occurs on the commission, then the vacancy shall be filled by the
19 same process as the original appointment.

20 (2) If a judicial member of the commission recuses himself or
21 herself from discussions or voting to preserve his or her impartiality in
22 matters pending currently or likely to come before him or her in court, then
23 the Chair of the Juvenile Code Revision Commission shall replace that member
24 with a licensed attorney who has at least five (5) years of experience in the
25 area of juvenile law and who is a citizen of the state.

26 (e) The commission shall establish rules and procedures for conducting
27 its business.

28 (f) Members of the commission shall serve without compensation, but
29 may receive expense reimbursement according to § 25-16-902.

30 (g) A majority of the members of the commission shall constitute a
31 quorum for transacting any business of the commission.

32 (h) The Bureau of Legislative Research shall provide staff for the
33 commission.

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35 9-27-104. Duties of the Juvenile Code Revision Commission.

36 (a) The Juvenile Code Revision Commission shall:

1 (1) Develop a comprehensive, reorganized, revised, and
2 modernized version of:

3 (A) The Arkansas Juvenile Code of 1989, § 9-27-301 et
4 seq.;

5 (B) The Arkansas Child Maltreatment Act, § 12-12-501 et
6 seq.; and

7 (C) Any provision of Chapters 25, 26, 28, and 29 of Title
8 9 of the Arkansas Code that the commission determines is in need of revision.

9 (2) Present the following to the House Interim Committee on
10 Judiciary, the Senate Interim Committees on Judiciary, the House Interim
11 Committee on Aging, Children and Youth, Legislative and Military Affairs, and
12 the Senate Interim Committee on Children and Youth no later than October 1,
13 2006:

14 (A) A bill draft that includes the commission's
15 recommended legislative changes; and

16 (B) A written explanation of the recommended legislative
17 changes.

18 (b) The chair of the commission shall:

19 (1) Create subcommittees to review the following areas of
20 juvenile law:

21 (A) Juvenile rights;

22 (B) Juvenile offenses;

23 (C) Dependency, neglect, and family services;

24 (D) Child maltreatment; and

25 (E) Any other subcommittee that the chair determines is
26 necessary for the completion of the commission's duties under this
27 subchapter.

28 (2) Appoint members to each subcommittee to review all of the
29 laws and procedures relating to juveniles within its subject area; and

30 (3) Allow each subcommittee to report on its proposed changes to
31 the full commission.

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33 SECTION 2. The commission expires July 1, 2007.

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35 */s/ Schulte*