

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 458

4
5 By: Senator G. Leding
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For An Act To Be Entitled

8
9 AN ACT TO REQUIRE A COURT TO CONSIDER THE IMPACT OF
10 FACTORS SUCH AS TRAUMA AND INVOLVEMENT WITH THE CHILD
11 WELFARE SYSTEM ON A PERSON WHO COMMITTED A CRIME AS A
12 MINOR DURING A TRANSFER OR SENTENCING HEARING; AND
13 FOR OTHER PURPOSES.
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Subtitle

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17 TO REQUIRE A COURT TO CONSIDER THE
18 IMPACT OF FACTORS SUCH AS TRAUMA AND
19 INVOLVEMENT WITH THE CHILD WELFARE
20 SYSTEM ON A PERSON WHO COMMITTED A CRIME
21 AS A MINOR DURING A TRANSFER OR
22 SENTENCING HEARING.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that:

28 (1) Research conducted by Human Rights for Kids shows that, as
29 of the children who are put on trial as adults in Arkansas, approximately
30 sixty-four percent (64%) of those children experienced emotional abuse,
31 fifty-seven percent (57%) experienced physical abuse, and thirty-two percent
32 (32%) experienced sexual abuse before committing their first offense;

33 (2)(A) More than ninety percent (90%) of children who are put on
34 trial as adults in Arkansas come from homes where the parents are either
35 divorced or separated, and with high rates of domestic violence and substance
36 abuse occurring within the household.



1 (B) Specifically, there is a forty-eight percent (48%)
2 rate of domestic violence and a sixty-eight percent (68%) rate of substance
3 abuse occurring within the household for children who are put on trial as
4 adults in Arkansas;

5 (3) More than eighty percent (80%) of children who are put on
6 trial in criminal proceedings as adults in Arkansas experienced nearly six
7 (6) adverse childhood experiences before the children became involved with
8 the juvenile justice or criminal justice systems, with the average age of the
9 first instance of abuse occurring at eight (8) years of age;

10 (4) Approximately thirty percent (30%) of children who are put
11 on trial in criminal proceedings as adults in Arkansas were involved with the
12 Division of Children and Family Services or were in foster care before
13 committing a first offense;

14 (5) Childhood trauma can have detrimental effects on the brain
15 networks that establish an individual's ability to think and regulate his or
16 her sense of self, as well as on an individual's motivations and behaviors;

17 (6) Children who experience trauma early in life are more likely
18 to experience other types of trauma later in life; and

19 (7) The experience of multiple types of trauma is associated
20 with increased post-traumatic stress reactions, difficulties in emotional
21 regulation, and the internalization of an individual's problems.

22 (b) The General Assembly intends to require a circuit court judge to
23 consider the impact of trauma on a child's behavior during a transfer or
24 sentencing proceeding.

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26 SECTION 2. Arkansas Code § 9-27-318(g), concerning what a court is
27 required to consider in a hearing on the transfer of a delinquency matter to
28 a criminal division of circuit court, is amended to read as follows:

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

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

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

36 (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 relating to the
19 juvenile's mental, physical, educational, and social history; ~~and~~

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

25 ~~(10)(11)~~ Any other factors deemed relevant by the judge.

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

29 16-90-124. Sentencing of juvenile or person convicted for offense
30 committed as juvenile – Factors.

31 (a) If a person who is older than eighteen (18) years of age is
32 convicted for an offense that the person committed when he or she was less
33 than eighteen (18) years of age, the court shall, in addition to any other
34 factors that the court is required to consider before imposing a sentence
35 upon the person, consider the following:

36 (1) The exposure of the juvenile or person who committed the

1 offense as a juvenile to adverse childhood experiences or childhood trauma,
2 involvement in the child welfare or foster care systems, status as a victim
3 of human trafficking, sexual abuse, or rape, and the impact of trauma on the
4 juvenile's behavior; and

5 (2) The differences between a juvenile offender and an adult
6 offender, including without limitation the diminished culpability of a
7 juvenile as compared to that of an adult and the typical characteristics of
8 youth.

9 (b) After considering the factors under subsection (a) of this section
10 and upon consent from the prosecuting attorney, the court may reduce any
11 mandatory minimum or maximum period of incarceration considering the
12 juvenile's age, trauma history, and prospects for rehabilitation.

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