

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S3/20/25

A Bill

SENATE BILL 459

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

9 AN ACT TO AMEND THE MINIMUM AGE NECESSARY TO
10 ADJUDICATE A JUVENILE DELINQUENT; TO REQUIRE THAT A
11 JUVENILE WHO IS NINE YEARS OF AGE OR YOUNGER AND
12 CAUSES THE DEATH OF ANOTHER PERSON TO BE ADJUDICATED
13 A JUVENILE IN A FAMILY IN NEED OF SERVICES MATTER;
14 AND FOR OTHER PURPOSES.
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Subtitle

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18 TO AMEND THE MINIMUM AGE NECESSARY TO
19 ADJUDICATE A JUVENILE DELINQUENT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

24 (a) The General Assembly finds that:

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

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

35 (3) States such as Texas, Louisiana, Mississippi, North Dakota,
36 South Dakota, and Kansas have set a minimum age of delinquency adjudication



1 of ten (10) years of age with no exceptions for specific crimes.

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

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9 SECTION 2. Arkansas Code § 9-27-303(15), concerning the definition of
10 "delinquent juvenile" under the Arkansas Juvenile Code of 1989, is amended to
11 read as follows:

12 (15) "Delinquent juvenile" means+

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

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

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

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

21 ~~(B)~~(D) Any juvenile Has been charged with capital murder,
22 § 5-10-101, or murder in the first degree, § 5-10-102, subject to extended
23 juvenile jurisdiction;

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25 /s/G. Leding
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