

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

A Bill

SENATE BILL 459

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

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

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17 TO AMEND THE MINIMUM AGE NECESSARY TO
18 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) Although a young child less than ten (10) years of age
26 should be held accountable for his or her actions in an appropriate way, a
27 child less than ten (10) years of age does not have the intellectual capacity
28 and maturity to fully understand the consequences of his or her actions and
29 the charges against him or her;

30 (2) Scientific research has found that qualities such as impulse
31 control and future orientation are not well-developed in the brain of a child
32 less than ten (10) years of age;

33 (3) A child less than ten (10) years of age does not have the
34 ability to form mens rea or criminal intent, but should still receive
35 services and treatment when he or she engages in behavior that would
36 otherwise be delinquent or criminal in nature; and



1 (4) States like Texas, Louisiana, Mississippi, North Dakota,
 2 South Dakota, and Kansas have set a minimum age of delinquency adjudication
 3 at ten (10) years of age with no exceptions for specific acts that would
 4 otherwise be considered crimes.

5 (b) The General Assembly intends for this act to establish:

6 (1) Ten (10) years of age as the minimum age required before a
 7 child may be adjudicated delinquent; and

8 (2) In cases involving acts that would otherwise constitute
 9 homicide under the criminal laws of this state, a child less than ten (10)
 10 years of age shall be adjudicated as a juvenile member of a family in need of
 11 services to ensure age-appropriate accountability and treatment through the
 12 supervision of the court system.

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

17 (15) "Delinquent juvenile" means+

18 ~~(A) A juvenile ten (10) years old or older who a juvenile~~
 19 at least ten (10) years of age who:

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

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

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

27 ~~(B)(D)~~ (D) Any juvenile is charged with capital murder, § 5-
 28 10-101, or murder in the first degree, § 5-10-102, subject to extended
 29 juvenile jurisdiction;

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 31 SECTION 3. Arkansas Code § 9-27-303(23), concerning the definition of
 32 "family in need of services" under the Arkansas Juvenile Code of 1989, is
 33 amended to read as follows:

34 (23) "Family in need of services" means any family whose
 35 juvenile evidences behavior that includes, ~~but is not limited to,~~ without
 36 limitation the following:

1 (A) Being habitually and without justification absent from
2 school while subject to compulsory school attendance;

3 (B) Being habitually disobedient to the reasonable and
4 lawful commands of his or her parent, guardian, or custodian; ~~or~~

5 (C) Having absented himself or herself from the juvenile's
6 home without sufficient cause, permission, or justification; or

7 (D) Having caused the death of another person while being
8 nine (9) years of age or younger;

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