

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1754

5 By: Representative G. Hodges
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING CERTAIN FEES,
9 EXPENSES, AND COSTS IMPOSED ON A JUVENILE OR THE
10 PARENT, GUARDIAN, OR CUSTODIAN OF A JUVENILE; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING CERTAIN
15 FEES, EXPENSES, AND COSTS IMPOSED ON A
16 JUVENILE OR THE PARENT, GUARDIAN, OR
17 CUSTODIAN OF A JUVENILE.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 6-18-222(a)(5)(A), concerning the penalty
24 for unexcused absences and the revocation of driving privileges, is amended
25 to read as follows:

26 (5)(A) When a student exceeds the number of unexcused absences
27 provided for in the district's or the Career Education and Workforce
28 Development Board's student attendance policy, or when a student has violated
29 the conditions of an agreement granting special arrangements under
30 subdivision (a)(4)(D) of this section, the school district or the adult
31 education program shall notify the prosecuting authority and the community
32 truancy board, if a community truancy board has been created, and the
33 student's parent, guardian, or person in loco parentis shall be subject to a
34 civil penalty through a family in need of services action in circuit court,
35 as authorized under subdivision (a)(6)(A) of this section, but not to exceed
36 five hundred dollars (\$500) ~~plus costs of court and any reasonable fees~~



1 ~~assessed by the court.~~

2
 3 SECTION 2. DO NOT CODIFY. Arkansas Code Title 9, Chapter 27, is
 4 renamed "Proceedings Involving Juveniles".

5
 6 SECTION 3. Arkansas Code § 9-27-303(33), concerning the definition of
 7 "juvenile" as applicable to the Arkansas Juvenile Code of 1989, is amended to
 8 read as follows:

9 (33) "Juvenile" means an individual who is:

10 (A) From birth to eighteen (18) years of age, whether
 11 married or single; ~~or~~

12 (B) Adjudicated delinquent, a juvenile member of a family
 13 in need of services, or dependent or dependent-neglected by the juvenile
 14 division of circuit court ~~prior to~~ before reaching eighteen (18) years of age
 15 and for whom the juvenile division of circuit court retains jurisdiction; or

16 (C) Both of the following:

17 (i) Under eighteen (18) years of age; and

18 (ii) Under the jurisdiction of the criminal division
 19 of circuit court or under the jurisdiction of the juvenile division of
 20 circuit court under this subchapter;

21
 22 SECTION 4. Arkansas Code § 9-27-316(b), concerning the right to
 23 counsel under the Arkansas Juvenile Code of 1989, is amended to read as
 24 follows:

25 (b)(1)(A)(i) ~~The inquiry concerning the ability of the juvenile to~~
 26 ~~retain counsel shall include a consideration of the juvenile's financial~~
 27 ~~resources and the financial resources of his or her family~~ There is a
 28 rebuttable presumption that juveniles are indigent for the purposes of
 29 appointing counsel.

30 (ii) If the court appoints counsel to represent the
 31 juvenile, the appointment shall be made at no cost to the juvenile or the
 32 parent, guardian, or custodian of the juvenile.

33 (B) ~~However, the~~ The failure of the juvenile's family to
 34 retain counsel for the juvenile shall not deprive the juvenile of the right
 35 to ~~appointed~~ court-appointed counsel if required under this section.

36 (2) ~~After review by the court of an affidavit of financial means~~

1 ~~completed and verified by the parent of the juvenile and a determination by~~
 2 ~~the court that the parent or juvenile has the ability to pay, the The court~~
 3 ~~may shall not order financially able juveniles, parents, guardians, or~~
 4 ~~eustodians a juvenile or the parent, guardian, or custodian of a juvenile to~~
 5 pay all or part of ~~reasonable~~ attorney's fees and expenses for representation
 6 of a ~~the~~ juvenile.

7 (3) ~~All moneys collected by the circuit clerk under this~~
 8 ~~subsection shall be retained by the clerk and deposited into a special fund~~
 9 ~~to be known as the "juvenile representation fund" The court shall not order a~~
 10 ~~juvenile or the parent, guardian, or custodian of a juvenile to pay a fee~~
 11 ~~related to the cost of providing the juvenile with counsel.~~

12 ~~(4) The court may direct that money from this fund be used in~~
 13 ~~providing counsel for juveniles under this section in delinquency or family-~~
 14 ~~in-need-of-services cases and indigent parents or guardians in dependency-~~
 15 ~~neglect cases as provided by subsection (h) of this section.~~

16 ~~(5) Any money remaining in the fund at the end of the fiscal~~
 17 ~~year shall not revert to any other fund but shall carry over into the next~~
 18 ~~fiscal year in the juvenile representation fund.~~

19
 20 SECTION 5. Arkansas Code § 9-27-323 is amended to read as follows:

21 9-27-323. Diversion – Conditions – Agreement – Completion – Definition.

22 (a) If the prosecuting attorney, after consultation with the intake
 23 officer, determines that a diversion of a delinquency case is in the best
 24 interests of the juvenile and the community, the officer with the consent of
 25 the juvenile and his or her parent, guardian, or custodian may attempt to
 26 make a satisfactory diversion of a case.

27 (b) If the intake officer determines that a diversion of a family in
 28 need of services case is in the best interest of the juvenile and the
 29 community, the officer with the consent of the petitioner, juvenile, and his
 30 or her parent, guardian, or custodian may attempt to make a satisfactory
 31 diversion of a case.

32 (c) In addition to the requirements of subsections (a) and (b) of this
 33 section, a diversion of a case is subject to the following conditions:

34 (1) The juvenile has admitted his or her involvement in:

35 (A) A delinquent act for a delinquency diversion; or

36 (B) A family in need of services act for a family in need

1 of services diversion;

2 (2) The intake officer advises the juvenile and his or her
 3 parent, guardian, or custodian that they have the right to refuse a diversion
 4 of the case and demand the filing of a petition and a formal adjudication;

5 (3) Any diversion agreement is entered into voluntarily and
 6 intelligently by the juvenile with the advice of his or her attorney or by
 7 the juvenile with the consent of a parent, guardian, or custodian if the
 8 juvenile is not represented by counsel;

9 (4) The diversion agreement provides for the supervision of a
 10 juvenile or the referral of the juvenile to a public or private agency for
 11 services not to exceed six (6) months;

12 (5) All other terms of a diversion agreement do not exceed nine
 13 (9) months; and

14 (6) The juvenile and his or her parent, guardian, or custodian
 15 shall have the right to terminate the diversion agreement at any time and to
 16 request the filing of a petition and a formal adjudication.

17 (d)(1) The terms of the diversion agreement shall:

18 (A) Be in writing in simple, ordinary, and understandable
 19 language;

20 (B) State that the agreement was entered into voluntarily
 21 by the juvenile;

22 (C) Name the attorney or other person who advised the
 23 juvenile upon the juvenile's entering into the agreement; and

24 (D) Be signed by all parties to the agreement and by the
 25 prosecuting attorney if it is a delinquency case and the offense would
 26 constitute a felony if committed by an adult or a family in need of services
 27 case pursuant to § 6-18-222.

28 (2) A At no cost to the juvenile or the parent, guardian, or
 29 custodian of the juvenile, a copy of the diversion agreement shall be given
 30 to the juvenile, the counsel for the juvenile, the parent, guardian, or
 31 custodian of the juvenile, and the intake officer, who shall retain the copy
 32 of the diversion agreement in the case file.

33 (e) Diversion agreements shall be:

34 (1) Implemented by all juvenile courts based on validated
 35 assessment tools; and

36 (2) Used to provide for:

1 (A) Nonjudicial probation under the supervision of the
2 intake officer or probation officer for a period during which the juvenile
3 may be required to comply with specified conditions concerning his or her
4 conduct and activities;

5 (B) Participation in a court-approved program of
6 education, counseling, or treatment;

7 (C) Participation in a court-approved teen court;

8 (D) Participation in a juvenile drug court program;

9 (E) Enrollment in the Regional Educational Career
10 Alternative School System for Adjudicated Youth; and

11 (F)(i) Payment of restitution to the victim.

12 (ii) Payments of restitution under subdivision
13 (e)(2)(F)(i) of this section shall be paid under § 16-13-326.

14 (f)(1) If a diversion of a complaint has been made, a petition based
15 upon the events out of which the original complaint arose may be filed;

16 (A) At no cost to the juvenile or the parent, guardian, or
17 custodian of the juvenile; and

18 (B) ~~only~~ Only during the period for which the agreement
19 was entered into.

20 (2) If a petition is filed within this period, the juvenile's
21 compliance with all proper and reasonable terms of the agreement shall be
22 grounds for dismissal of the petition by the court.

23 (g) The diversion agreement may be terminated, and the prosecuting
24 attorney in a delinquency case or the petitioner in a family in need of
25 services case may file a petition, at no cost to the juvenile or the parent,
26 guardian, or custodian of the juvenile, if at any time during the agreement
27 period:

28 (1) The juvenile or his or her parent, guardian, or custodian
29 declines to further participate in the diversion process;

30 (2) The juvenile fails, without reasonable excuse, to attend a
31 scheduled conference;

32 (3) The juvenile appears unable or unwilling to benefit from the
33 diversion process; or

34 (4) The intake officer becomes apprised of new or additional
35 information that indicates that further efforts at diversion would not be in
36 the best interests of the juvenile or society.

(h) Upon the satisfactory completion of the diversion period:

(1) The juvenile shall be dismissed without further proceedings;

(2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and

(3) The complaint and the diversion agreement, and all references ~~thereto~~ to the complaint and the diversion agreement, may be expunged by the court from the juvenile's file at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

~~(i)(1) A juvenile intake or probation officer may charge a diversion fee only after review of an affidavit of financial means and a determination of the juvenile's or the juvenile's parent's, guardian's, or custodian's ability to pay the fee juvenile or the parent, guardian, or custodian of a juvenile shall not be charged a diversion fee.~~

~~(2) The diversion fee shall not exceed twenty dollars (\$20.00) per month to the juvenile division of circuit court.~~

~~(3) The court may direct that the fees be collected by the juvenile officer, sheriff, or court clerk for the county in which the fees are charged.~~

~~(4) The officer designated by the court to collect diversion fees shall maintain receipts and account for all incoming fees and shall deposit the fees at least weekly into the county treasury of the county where the fees are collected and in which diversion services are provided.~~

~~(5) The diversion fees shall be deposited into the account with the juvenile service fees under § 16-13-326.~~

~~(j)(1) In judicial districts having more than one (1) county, the judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile fees collected in the district.~~

~~(2) The treasurer so designated by the court shall maintain a separate account of the juvenile fees collected and expended in each county in the district.~~

~~(3) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.~~

~~(4) The funds derived from the collection of diversion fees shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in their district plan pursuant to Supreme Court Administrative Order No. 14, originally issued April 6, 2001, and the~~

~~quorum court of the county to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.~~

~~(k)(1)(j)(1)~~ The Department of Human Services shall develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children.

(2) As used in this section, “sexually exploited child” means a person less than eighteen (18) years of age who has been subject to sexual exploitation because the person:

(A) Is a victim of trafficking of persons under § 5-18-103;

(B) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2013; or

(C) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.

(k) The diversion of a case under this section shall be implemented and administered at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

SECTION 6. Arkansas Code § 9-27-330(a), concerning juveniles found to be delinquent, is amended to read as follows:

(a) If a juvenile is found to be delinquent, the circuit court may enter an order making any of the following dispositions based upon the best interest of the juvenile:

(1)(A) Transfer legal custody of the juvenile to any licensed agency responsible for the care of delinquent juveniles or to a relative or other individual.

(B)(i) Commit the juvenile to the Division of Youth Services using the validated risk assessment system for Arkansas juvenile offenders selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division and distributed and administered by the Administrative Office of the Courts.

(ii)(a) The validated risk assessment system selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division shall be:

(1) The only validated risk assessment used by courts for commitment;

1 (2) Used throughout the state; and
 2 (3) Applied to all commitment decisions
 3 for all juvenile offenders.

4 (b) The validated risk assessment may be
 5 changed to another validated risk assessment system by the Juvenile Judges
 6 Committee of the Arkansas Judicial Council with the division.

7 (iii)(a) In an order of commitment, the court
 8 may recommend that a juvenile be placed in a treatment program or community-
 9 based program instead of a youth services center and shall make specific
 10 findings in support of such a placement in the order.

11 (b) The court shall also specify in its
 12 recommendation whether it is requesting a division aftercare plan upon the
 13 juvenile's release from the division.

14 (c) A court may not commit a juvenile to
 15 the division if the juvenile is adjudicated delinquent of only a misdemeanor
 16 offense unless the:

17 (1) Juvenile is determined to be
 18 moderate risk or high risk by the validated risk assessment; and

19 (2) Court makes specific findings
 20 as to the factors considered for the disposition to be in the juvenile's best
 21 interest.

22 (d) A court may not commit a juvenile to
 23 the division if the juvenile is adjudicated delinquent of only a misdemeanor
 24 offense and the juvenile is determined to be low risk by the validated risk
 25 assessment.

26 (iv) A circuit court committing a juvenile to the
 27 division under subdivision (a)(1)(B)(iii) of this section shall make written
 28 findings and consider the following factors in making its determination to
 29 commit the juvenile to the division:

30 (a) The previous history of the juvenile,
 31 including without limitation whether:

32 (1) The juvenile has been adjudicated
 33 delinquent and, if so, whether the offense was against a person or property;
 34 and

35 (2) Any other previous history of
 36 antisocial behavior or patterns of physical violence exist;

1 (b) Whether the circuit court has previously
 2 offered less restrictive programs or services to the juvenile and whether
 3 there are less restrictive programs or services available to the court that
 4 are likely to rehabilitate the juvenile before the expiration of the court's
 5 jurisdiction;

6 (c) Written reports and other materials
 7 relating to the juvenile's mental, physical, educational, and social history;
 8 and

9 (d) Any other factors deemed relevant by the
 10 circuit court.

11 (v) Upon receipt of an order of commitment with
 12 recommendations for placement, the division shall consider the
 13 recommendations of the committing court in placing a juvenile in a youth
 14 services facility or a community-based program.

15 (vi) Upon receipt of an order of commitment, the
 16 division or its contracted provider or designee shall prepare a written
 17 treatment plan that:

18 (a) States the treatment plan for the
 19 juvenile, including the types of programs and services that will be provided
 20 to the juvenile;

21 (b) States the anticipated length of the
 22 juvenile's commitment;

23 (c)(1) States recommendations as to the most
 24 appropriate post-commitment placement for the juvenile.

25 (2) If the juvenile cannot return to the
 26 custody of his or her parent, guardian, or custodian because of child
 27 maltreatment, which includes the parent's, guardian's, or custodian's
 28 refusing to take responsibility for the juvenile, the division shall
 29 immediately contact the Office of Chief Counsel of the Department of Human
 30 Services.

31 (3) The Office of Chief Counsel of the
 32 Department of Human Services shall petition the committing court to determine
 33 the issue of custody of the juvenile;

34 (d) States any post-commitment community-based
 35 services that will be offered to the juvenile and to his or her family by the
 36 division or the community-based provider;

1 (e)(1) Outlines an aftercare plan, if
2 recommended, including specific terms and conditions required of the juvenile
3 and the community-based provider.

4 (2) If the juvenile progresses in
5 treatment and an aftercare plan is no longer recommended or the terms of the
6 aftercare plan need to be amended as a result of treatment changes, any
7 change in the terms of the aftercare plan and conditions shall be provided in
8 writing and shall be explained to the juvenile.

9 (3) The terms and conditions shall be
10 provided also to the prosecuting attorney, the juvenile's attorney, and to
11 the juvenile's legal parent, guardian, or custodian by the division or its
12 designee before the juvenile's release from the division.

13 (4) All aftercare terms shall be
14 provided to the committing court; and

15 (f)(1) The treatment plan shall be filed with
16 the committing court no later than thirty (30) days from the date of the
17 commitment order or before the juvenile's release, whichever is sooner.

18 (2) A copy of the written treatment plan
19 shall be provided at no cost to the juvenile or the parent, guardian, or
20 custodian of the juvenile and shall be explained to the juvenile.

21 (3) A copy shall be provided to the
22 prosecutor, the juvenile's attorney, and to the juvenile's legal parent,
23 guardian, or custodian and shall be filed in the court files of any circuit
24 court where a dependency-neglect or family in need of services case
25 concerning that juvenile is pending.

26 (C) This transfer of custody shall not include placement
27 of adjudicated delinquents into the custody of the Department of Human
28 Services for the purpose of foster care except as under the Child
29 Maltreatment Act, § 12-18-101 et seq.;

30 (2) Order the juvenile or members of the juvenile's family to
31 submit to physical, psychiatric, or psychological evaluations at no cost to
32 the juvenile or the parent, guardian, or custodian of the juvenile;

33 (3) Grant permanent custody to an individual upon proof that the
34 parent or guardian from whom the juvenile has been removed has not complied
35 with the orders of the court and that no further services or periodic reviews
36 are required;

1 (4)(A) Place the juvenile on probation under those conditions
2 and limitations that the court may prescribe pursuant to § 9-27-339(a).

3 (B)(i) In addition, the court shall have the right as a
4 term of probation to require the juvenile to attend school or make
5 satisfactory progress toward attaining a high school equivalency diploma
6 approved by the Adult Education Section.

7 (ii) The court shall have the right to revoke
8 probation if the juvenile fails to regularly attend school or if satisfactory
9 progress toward attaining a high school equivalency diploma approved by the
10 Adult Education Section is not being made;

11 ~~(5) Order a probation fee, not to exceed twenty dollars (\$20.00)~~
12 ~~per month, as provided in § 16-13-326(a);~~

13 ~~(6) Assess a court cost of no more than thirty five dollars~~
14 ~~(\$35.00) to be paid by the juvenile, his or her parent, both parents, or his~~
15 ~~or her guardian;~~

16 ~~(7)(A)(5)(A) Order restitution to be paid by the juvenile, a~~
17 ~~parent, both parents, the guardian, or his or her custodian~~ or the parent,
18 guardian, or custodian of the juvenile.

19 (B) If the custodian is the State of Arkansas, both
20 liability and the amount that may be assessed shall be determined by the
21 Arkansas State Claims Commission;

22 ~~(8) Order a fine of not more than five hundred dollars (\$500) to~~
23 ~~be paid by the juvenile, a parent, both parents, or the guardian;~~

24 ~~(9)(6)(A) Order that the juvenile and his or her parent, both~~
25 ~~parents, or the guardian~~ the parent, guardian, or custodian of the juvenile
26 perform court-approved volunteer service in the community designed to
27 contribute to the rehabilitation of the juvenile or to the ability of the
28 parent, ~~or guardian, or custodian of the juvenile~~ to provide proper parental
29 care and supervision of the juvenile, ~~not to exceed one hundred sixty (160)~~
30 ~~hours.~~

31 (B) The juvenile or the parent, guardian, or
32 custodian of the juvenile shall not be required to:

33 (i) Participate in volunteer service in the
34 community for more than one hundred sixty (160) hours; or

35 (ii) Pay a cost for participating in the
36 volunteer service in the community;

1 ~~(10)(A)(7)(A)~~ Order that the parent, ~~both parents, or the~~
2 guardian, or custodian of the juvenile attend a court-approved parental
3 responsibility training program if available.

4 (B) The court may make reasonable orders requiring proof
5 of completion of the court-approved parental responsibility training program
6 within a certain time period ~~and payment of a fee covering the cost of the~~
7 ~~training program.~~

8 (C) The court may provide that any violation of such
9 orders shall subject the parent, ~~both parents, or the~~ guardian, or custodian
10 of the juvenile to the contempt sanctions of the court.

11 ~~(D)~~ The parent, guardian, or custodian of the juvenile
12 shall not be required to pay the cost for attending the court-approved
13 parental responsibility training program;

14 ~~(11)(A)(i)(8)(A)(i)~~ Order that the juvenile remain in a juvenile
15 detention facility for an indeterminate period not to exceed ninety (90) days
16 at no cost to the juvenile or the parent, guardian, or custodian of the
17 juvenile.

18 (ii) The court may further order that the juvenile
19 be eligible for work release or to attend school or other educational or
20 vocational training at no cost to the juvenile or the parent, guardian, or
21 custodian of the juvenile.

22 (B) The juvenile detention facility shall afford
23 opportunities for education, recreation, and other rehabilitative services to
24 adjudicated delinquents at no cost to the juvenile or the parent, guardian,
25 or custodian of the juvenile;

26 ~~(12)(9)(A)~~ Place the juvenile on residential detention with
27 electronic monitoring, either in the juvenile's home or in another facility
28 as ordered by the court, at no cost to the juvenile or the parent, guardian,
29 or custodian of the juvenile.

30 ~~(13)(A)(B)~~ ~~Order the parent, both parents, or the guardian~~
31 ~~of any~~ A juvenile or the parent, guardian, or custodian of a juvenile
32 adjudicated delinquent and committed to a youth services center, detained in
33 a juvenile detention facility, or placed on electronic monitoring ~~to be~~ shall
34 not be liable for the cost of the commitment, detention, or electronic
35 monitoring.;

36 ~~(B)(i)~~ ~~The court shall take into account the financial~~

1 ability of the parent, both parents, or the guardian to pay for the
 2 commitment, detention, or electronic monitoring.

3 ~~(ii) The court shall take into account the past~~
 4 ~~efforts of the parent, both parents, or the guardian to correct the~~
 5 ~~delinquent juvenile's conduct.~~

6 ~~(iii) If the parent is a noncustodial parent, the~~
 7 ~~court shall take into account the opportunity the parent has had to correct~~
 8 ~~the delinquent juvenile's conduct.~~

9 ~~(iv) The court shall take into account any other~~
 10 ~~factors the court deems relevant;~~

11 ~~(14)(10)(A)~~ When a juvenile is committed to a youth services
 12 center or detained in a juvenile detention facility and the juvenile is
 13 covered by private health insurance, order the parent, ~~or~~ guardian, or
 14 custodian of the juvenile to provide information on the juvenile's health
 15 insurance coverage, including a copy of the health insurance policy and the
 16 pharmacy card when available, to the juvenile detention ~~center~~ facility or
 17 youth services center that has physical custody of the juvenile; ~~or.~~

18 (B) The juvenile or the parent, guardian, or custodian of
 19 the juvenile shall not be required to pay for the cost of medical treatment
 20 received by the juvenile that is incurred while the juvenile is in the
 21 physical custody of a juvenile detention facility or youth services center.

22 (C) The quality of medical care, including without
 23 limitation specialty care, provided to the juvenile while the juvenile is in
 24 the physical custody of a juvenile detention facility or youth services
 25 center shall not be dependent on the juvenile's health insurance coverage; or

26 ~~(15)(A)(11)(A)~~ Order the Department of Finance and
 27 Administration to suspend the driving privileges of any juvenile adjudicated
 28 delinquent.

29 (B) The order shall be prepared and transmitted to the
 30 Department of Finance and Administration within twenty-four (24) hours after
 31 the juvenile has been found delinquent and is sentenced to have his or her
 32 driving privileges suspended.

33 (C) The court may provide in the order for the issuance of
 34 a restricted driving permit to allow driving to and from a place of
 35 employment or driving to and from school or for other circumstances.

36

1 SECTION 7. Arkansas Code § 9-27-330, concerning juvenile delinquency
2 dispositions and alternatives, is amended to add an additional subsection to
3 read as follows:

4 (k)(1) The court shall not order a juvenile or the parent, guardian,
5 or custodian of a juvenile to pay costs, fees, or other expenses associated
6 with a program or service ordered by the court under this section.

7 (2) This subsection does not prohibit a court from ordering
8 restitution under subdivision (a)(5) of this section.

9
10 SECTION 8. Arkansas Code § 9-27-331(d)(1)(A), concerning limitations
11 on delinquency determinations, is amended to read as follows:

12 (d)(1)(A)(i) The court may enter an order for physical, psychiatric,
13 or psychological evaluation or counseling or treatment affecting the family
14 of a juvenile only after finding that the evaluation, counseling, or
15 treatment of family members is necessary for the treatment or rehabilitation
16 of the juvenile.

17 (ii) Evaluations, counseling, or treatments under
18 subdivision (d)(1)(A)(i) of this section shall be provided at no cost to the
19 juvenile or the parent, guardian, or custodian of the juvenile.

20
21 SECTION 9. Arkansas Code § 9-27-357 is amended to read as follows:

22 9-27-357. Deoxyribonucleic acid samples.

23 ~~(a)~~ A ~~person~~ juvenile who is adjudicated delinquent for one (1) or
24 more of the following offenses shall have a deoxyribonucleic acid sample
25 drawn at no cost to the juvenile or the parent, guardian, or custodian of the
26 juvenile:

- 27 (1) Rape, § 5-14-103;
28 (2) Sexual assault in the first degree, § 5-14-124;
29 (3) Sexual assault in the second degree, § 5-14-125;
30 (4) Incest, § 5-26-202;
31 (5) Capital murder, § 5-10-101;
32 (6) Murder in the first degree, § 5-10-102;
33 (7) Murder in the second degree, § 5-10-103;
34 (8) Kidnapping, § 5-11-102;
35 (9) Aggravated robbery, § 5-12-103;
36 (10) Terroristic act, § 5-13-310; and

1 (11) Aggravated assault upon a law enforcement officer or an
 2 employee of a correctional facility, § 5-13-211, if a Class Y felony.

3 ~~(b) The court shall order a fine of two hundred fifty dollars (\$250)~~
 4 ~~unless the court finds that the fine would cause an undue hardship.~~

5 ~~(e)(1)(b)(1)~~ Only a juvenile adjudicated delinquent for one (1) of the
 6 offenses listed in subsection (a) of this section shall have a
 7 deoxyribonucleic acid sample drawn upon intake at a juvenile detention
 8 facility or intake at a Division of Youth Services facility.

9 (2) If the juvenile is not placed in a facility, the juvenile
 10 probation officer to whom the juvenile is assigned shall ensure that the
 11 deoxyribonucleic acid sample is drawn.

12 ~~(d)(c)~~ All deoxyribonucleic acid samples taken under this section
 13 shall be taken in accordance with rules promulgated by the State Crime
 14 Laboratory.

15
 16 SECTION 10. Arkansas Code § 9-27-367 is amended to read as follows:
 17 9-27-367. Court costs, fees, and fines.

18 (a) The juvenile division of the circuit court may order the following
 19 court costs, fees, and fines to be paid by adjudicated defendants to the
 20 circuit court juvenile division fund as provided for in § 16-13-326:

21 ~~(1) The court may assess an adjudicated delinquent court costs~~
 22 ~~not to exceed thirty-five dollars (\$35.00) as provided under § 9-27-~~
 23 ~~330(a)(6);~~

24 ~~(2)(1)~~ The court may assess an adjudicated family in need of
 25 services court costs not to exceed thirty-five dollars (\$35.00) as provided
 26 under § 9-27-332(a)(8);

27 ~~(3) The court may order a probation fee for juveniles~~
 28 ~~adjudicated delinquent not to exceed twenty dollars (\$20.00) per month as~~
 29 ~~provided under § 9-27-330(a)(5);~~

30 ~~(4)(2)~~ The court may order a juvenile service fee for an
 31 adjudicated family in need of services not to exceed twenty dollars (\$20.00)
 32 per month as provided under § 9-27-332(a)(9); and

33 ~~(5) The court may order a fine for adjudicated delinquents of~~
 34 ~~not more than five hundred dollars (\$500) as provided under § 9-27-330(a)(8);~~

35 ~~(6)(3)~~ The court may order a fine for an adjudicated family in
 36 need of services of not more than five hundred dollars (\$500) as provided

1 under § 9-27-332(a)(7), ~~and~~

2 ~~(7) A juvenile intake or probation officer may charge a~~
 3 ~~diversion fee limited to no more than twenty dollars (\$20.00) per month as~~
 4 ~~provided under § 9-27-323.~~

5 (b)(1) The court shall direct that the juvenile division court costs
 6 and fees be collected, maintained, and accounted for in the same manner as
 7 juvenile probation and juvenile services fees as provided for in § 16-13-326.

8 (2) Except as provided in this section, in relation to a matter
 9 involving a juvenile, the juvenile and the parent, guardian, or custodian of
 10 the juvenile shall not be ordered to pay costs, fees, and fines or a
 11 combination of costs, fees, and fines.

12
 13 SECTION 11. Arkansas Code § 9-27-602(d), concerning required
 14 assessments for juvenile mental health services, is amended to read as
 15 follows:

16 ~~(d)(1) The court shall make a determination of the ability of the~~
 17 ~~parent, guardian, or custodian of the juvenile to pay in whole or in part for~~
 18 ~~mental health services~~ A juvenile or the parent, guardian, or custodian of
 19 the juvenile shall not be required to pay for mental health services ordered
 20 by the court under this section.

21 ~~(2) If the court determines an ability to pay, the court shall~~
 22 ~~enter such an order for payment pursuant to § 9-27-333(e).~~

23
 24 SECTION 12. Arkansas Code § 16-10-305, concerning court costs, is
 25 amended to add an additional subsection to read as follows:

26 (i) The authority to assess court costs under this section does not
 27 apply to:

28 (1) A person who is a juvenile at the time of the commission of
 29 the delinquent act;

30 (2) A person who is a juvenile at the time the circuit court or
 31 district court renders a judgment;

32 (3) A juvenile; or

33 (4) The parent, guardian, or custodian of a juvenile in relation
 34 to the juvenile's delinquent act.

35
 36 SECTION 13. Arkansas Code § 16-87-201, concerning definitions

1 applicable to the Arkansas Public Defender Commission, is amended to add an
 2 additional subdivision to read as follows:

3 (5) "Juvenile" means a person who is:

4 (A) Under eighteen (18) years of age; and

5 (B) Under the jurisdiction of the criminal division of
 6 circuit court or under the jurisdiction of the juvenile division of circuit
 7 court under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

8
 9 SECTION 14. Arkansas Code § 16-87-213(a)(1)(A), concerning
 10 certificates of indigency, is amended to read as follows:

11 (a)(1)(A)~~(i)~~ Any Except as provided in subdivision (a)(1)(A)(ii) of
 12 this section, a person who is charged with an offense punishable by
 13 imprisonment ~~who~~ and desires to be represented by an appointed attorney shall
 14 file with the court in which the person is charged a written certificate of
 15 indigency.

16 (ii) There is a rebuttable presumption that a
 17 juvenile is indigent for the purposes of appointing an attorney. A juvenile
 18 shall not be required to complete a certificate of indigency. If the court
 19 appoints an attorney to represent the juvenile, the appointment shall be made
 20 at no cost to the juvenile or the parent, guardian, or custodian of the
 21 juvenile.

22
 23 SECTION 15. Arkansas Code § 16-87-218(c)(6), concerning schedules of
 24 costs for legal services, is amended to read as follows:

25 (6) Any juvenile matter with the exception of a delinquency
 26 matter:

27 (A) For an early disposition, sixty-five dollars (\$65.00);

28 (B) For a negotiated plea or disposition before trial, one
 29 hundred twenty-five dollars (\$125); or

30 (C) For a trial or an extended matter, five hundred
 31 dollars (\$500); or

32
 33 SECTION 16. Arkansas Code § 16-87-218, concerning schedules of costs
 34 for legal services, is amended to add an additional subsection to read as
 35 follows:

36 (e) A court shall not enter a judgment in favor of the State of

1 Arkansas for legal services rendered by the public defender or for costs
2 listed in subsection (c) of this section:

3 (1) In a juvenile matter;

4 (2) Against a defendant who was a juvenile at the time the
5 offense was committed;

6 (3) Against a juvenile; or

7 (4) Against the parent, guardian, or custodian of a juvenile in
8 a juvenile matter.

9
10 SECTION 17. DO NOT CODIFY. Costs – Collection and revenue.

11 (a) As used in this section, "juvenile" means an individual under
12 eighteen (18) years of age who is under the jurisdiction of a criminal
13 division of circuit court or under a juvenile division of circuit court under
14 the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

15 (b) On the effective date of this section, any judgment against a
16 juvenile or the parent, guardian, or custodian of a juvenile entered on or
17 before the effective date of this section for fines, fees, costs, or taxes
18 associated with a juvenile matter is void and uncollectible to the extent
19 that a balance remains due, including without limitation any post-judgment
20 interest, penalties, or collection expenses associated with the fines, fees,
21 costs, or taxes.

22 (c)(1) Any civil judgment, lien, or other legal encumbrance against a
23 juvenile or the parent, guardian, or custodian of a juvenile entered on or
24 before the effective date of this section in connection with fines, fees,
25 costs, or taxes associated with a juvenile matter is vacated.

26 (2) The court administrator shall not charge any fees associated
27 with the satisfaction of a civil judgment, lien, or other legal encumbrance
28 vacated under subdivision (c)(1) of this section.

29 (d)(1) On or before January 1, 2024, the Administrative Office of the
30 Courts, in consultation with state and municipal agencies, shall establish
31 procedures to vacate and discharge the following for juveniles and the
32 parents, guardians, or custodians of juveniles:

33 (A) All unpaid outstanding balances for fines, fees,
34 costs, or taxes; and

35 (B) All unsatisfied civil judgments, liens, and legal
36 encumbrances entered in connection with fines, fees, costs, or taxes

1 associated with a juvenile matter.

2 (2) The procedures under subdivision (d)(1) of this section
3 shall not require a juvenile or the parent, guardian, or custodian of a
4 juvenile to affirmatively act to initiate the procedures to vacate and
5 discharge outstanding:

6 (A) Balances for fines, fees, costs, and taxes; and

7 (B) Unsatisfied civil judgments, liens, and legal
8 encumbrances.

9 (e) Any savings in costs associated with the collection of fines,
10 fees, costs, and taxes or civil judgments, liens, and legal encumbrances as a
11 result of this section shall be directed to community initiatives in
12 accordance with the reinvestment plan developed by the Division of Youth
13 Services under § 9-28-1203.