

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/28/19
A Bill

HOUSE BILL 1384

By: Representative C. Fite
By: Senator Rice

For An Act To Be Entitled

AN ACT TO CLARIFY WHEN THE DIVISION OF YOUTH SERVICES
MAY RELEASE INFORMATION ABOUT A JUVENILE TO THE
GENERAL PUBLIC; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY WHEN THE DIVISION OF YOUTH
SERVICES MAY RELEASE INFORMATION ABOUT A
JUVENILE TO THE GENERAL PUBLIC.

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

SECTION 1. Arkansas Code § 9-28-215 is amended to read as follows:

9-28-215. Departure without authorization – Release of information.

(a) ~~When a juvenile departs without authorization from a youth services center or other facility operated by the Division of Youth Services of the Department of Human Services for the care of delinquent juveniles, if at the time of departure the juvenile is committed or detained for an offense for which the juvenile could have been tried as an adult, the Director of the Division of Youth Services of the Department of Human Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information he or she deems necessary to aid in the apprehension of the juvenile and safeguard the public welfare~~ As used in this section, "identifying and descriptive information" means any information pertaining to a juvenile that is necessary to safeguard public safety and aid in the apprehension of the juvenile, including without limitation:

(1) A photo of the juvenile;



(2) The name of the juvenile;
(3) The age of the juvenile; and
(4) A felony offense for which the juvenile is committed to the custody of the Division of Youth Services of the Department of Human Services.

(b)(1) When a juvenile who is committed to the custody of the Division of Youth Services of the Department of Human Services leaves his or her assigned placement without authorization, the Director of the Division of Youth Services of the Department of Human Services or his or her designee shall release the identifying and descriptive information of the juvenile to the general public if the juvenile :

(A) Is committed to the division for an offense that would be a felony if the offense were committed by an adult;

(B) Poses a serious threat to public safety or a member of the public; or

(C) Is at a heightened risk of harm if he or she is not apprehended immediately due to his or her age, disability, medical condition, mental capacity, or another emergency circumstance.

(2) The division shall release identifying and descriptive information to the general public if the juvenile is committed to the division under extended juvenile jurisdiction.

(3) The division shall promulgate rules detailing the factors to be considered in determining when identifying and descriptive information may be released.

~~(b)~~(c) When a juvenile departs without authorization from the Arkansas State Hospital, if at the time of departure the juvenile is committed as a result of an acquittal, for mental disease or defect, of an offense for which the juvenile could have been tried as an adult, the Director of the Division of Behavioral Health of the Department of Human Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information he or she deems necessary to aid in the apprehension of the juvenile and safeguard the public welfare.

~~(e)~~(d) When a juvenile departs without authorization from a local juvenile detention facility, if at the time of departure the juvenile is committed or detained for an offense for which the juvenile could have been tried as an adult, the director of the juvenile detention facility shall

release to the general public the name, age, and description of the juvenile and any other pertinent information the director deems necessary to aid in the apprehension of the juvenile and safeguard the public welfare.

/s/C. Fite

APPROVED: 3/7/19