

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S2/25/13 S2/26/13  
**A Bill**

SENATE BILL 335

By: Senators Irvin, J. English, J. Hendren, G. Stubblefield, E. Williams, J. Woods  
By: Representatives Sabin, House, J. Edwards, *Clemmer*

### **For An Act To Be Entitled**

AN ACT TO CREATE THE ARKANSAS CLOSE TO HOME ACT; TO USE COMMUNITY REINVESTMENT TO HELP KEEP JUVENILE OFFENDERS CLOSE TO HOME BY SURROUNDING THEM WITH EFFECTIVE COMMUNITY SERVICES AS AN ALTERNATIVE TO COMMITMENT; AND FOR OTHER PURPOSES.

### **Subtitle**

THE ARKANSAS CLOSE TO HOME ACT.

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

SECTION 1. DO NOT CODIFY.

Legislative findings.

The General Assembly finds that:

(1) The state can realize significant financial savings while positively impacting the lives of juvenile offenders and enhancing public safety by encouraging and investing in the use of effective community-based positive youth support systems and services as an alternative to out-of-home placement or commitment; and

(2) Communities use scarce state resources more efficiently and effectively because they are more aware of local community needs.

SECTION 2. DO NOT CODIFY.

Legislative intent.

It is the intent of the General Assembly that:

(1) The state and the state's communities provide effective



community-based rehabilitative and positive support systems for juveniles so commitment is limited to those juvenile offenders that pose a significant risk to public safety;

(2) Communities have greater involvement in creating and providing effective alternatives to commitment of juveniles who do not present a significant risk to public safety.

SECTION 3. Arkansas Code Title 9, Chapter 28, Subchapter 2, is amended to add additional sections to read as follows:

9-28-218. Local community youth services boards.

(a) The Division of Youth Services of the Department of Human Services shall facilitate the establishment of local community youth services boards.

(b)(1) A board shall consist of a at least nine (9) members and no more than fifteen (15) members, including a:

(A) Circuit court judge assigned to the juvenile division;

(B) Juvenile intake or probation officer;

(C) Juvenile offender;

(D) Parent of a juvenile offender;

(E) Representative from a community-based provider under contract with the Division of Youth Services of the Department of Human Services;

(F) Representative from a faith-based group or organization;

(G) Representative from a law enforcement office; and

(H) Representative from a local school district.

(2) One-half (1/2) of the total membership shall serve a term of three (3) years and one-half (1/2) of the total membership shall serve a term of two (2) years to be determined by a random method at the first meeting of the board.

(3)(A) The chair of the board is elected by majority vote at the first meeting of the board.

(B) A change in the chair is decided by majority vote of the board.

(4)(A) The board shall meet one (1) time each quarter or more often if determined necessary by the chair.

(B) A majority of the board shall constitute a quorum for

the purpose of transacting business.

(C) An action by the board is by quorum.

(5) A member of the board may appoint a designee to serve in his or her place if necessary.

(6) If a consensus regarding the composition of the board cannot be reached, the division shall attempt to mediate a resolution.

(7) The members of the board shall serve in a voluntary capacity and shall serve without compensation.

(c)(1) No later than October 1, 2013, the division shall begin the process of establishing and phasing in, as pilot programs, local community youth services boards.

(2)(A) To establish a pilot program, a pilot program shall be:

(i) Requested by a:

(a) Juvenile judge; or

(b) Community-based provider under contract

with the division; and

(ii) Approved by the division.

(B) No more than five (5) initial pilot programs shall be authorized within the first two (2) years of the program unless a pilot program is:

(i) Requested by a juvenile judge and community-based provider under contract with the division; and

(ii) Approved by the division.

(d) No later than six (6) months from the date a board is established and every three (3) years thereafter, a board shall develop and submit to the division a comprehensive plan that identifies:

(1) All youth services currently available in the judicial district of the board serves;

(2) Any new, expanded, or altered youth support services and interventions needed to reduce reliance on the juvenile delinquency process and commitment of juvenile offenders; and

(3) How:

(A) Proven effective interventions are used;

(B) Collaboration between youth service delivery systems are being enhanced; and

(C) Limited resources, including voluntary and in-kind

resources, are maximized.

(e) Annually, beginning twelve (12) months from the date a board is established, a board shall develop and submit to the division an implementation report that identifies the specific actions the board has taken to implement the comprehensive plan developed under subsection (d) of this section and the results achieved.

(f)(1) The division shall provide staff, support, and technical assistance to a board in evaluating the effectiveness of implementation reports using established outcome measures.

(2) The division shall review and determine the effectiveness of each comprehensive plan and implementation report submitted by a board and determine whether or not to:

(A) Approve a board's comprehensive plan and implementation report;

(B) Provide technical assistance;

(C) Attempt to mediate a resolution;

(D) Increase, reduce, or eliminate funding to community-based services in the judicial district or districts served by a board;

(E) Require revisions to an implementation report; or

(F) Dissolve a board and reconstitute a new board.

9-28-219. Funding for community-based services through local community youth services boards.

(a) The Division of Youth Services of the Department of Human Services shall:

(1) Develop and adopt:

(A) Allocation guidelines for the distribution of a portion of community-based services funding to local community youth services boards; and

(B) Outcome measures to determine the effectiveness of comprehensive plans developed by local community youth services boards under § 9-28-218, including without limitation outcome measures that use:

(i) Public safety measures, including recidivism rates; and

(ii) Youth development measures, including school performance, job skills development, and family stability;

(2) Allocate a portion of community-based services funding to local community youth services boards; and

(3) Subject to the availability of general funds, reinvest seventy-five percent (75%) of any general funding remaining at the end of the fiscal year to the board, divided equally, and twenty-five percent (25%) to the division.

(b)(1) Funding received by a board under this section shall be used to reduce reliance on the juvenile delinquency process and commitment of juvenile offenders.

(2) Expenditures made by or on behalf of a board are subject to:

(A) Review;

(B) Audit; and

(C) Recovery if determined that the funds were improperly spent.

(c) Funding expended under this section shall not be used to:

(1) Provide direct services to juvenile offenders; or

(2) Impair a consumer's choice to obtain services from a provider that is qualified and willing to provide services in conformity with a juvenile offender's treatment plan.

(d) As used in this section, "direct services" means personal interaction between a juvenile offender and an employee of the division, a board member, or a person engaged by the board for the purpose of providing health care or rehabilitative services to a juvenile offender.

(e) The division may adopt rules as necessary to implement this section.

/s/Irvin