

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 622

By: Senator S. Flowers

For An Act To Be Entitled

AN ACT TO PROVIDE AN AFFIRMATIVE DEFENSE IN A
JUVENILE DELINQUENCY PROCEEDING IF THE JUVENILE WAS
THE VICTIM OF BULLYING; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE AN AFFIRMATIVE DEFENSE IN A
JUVENILE DELINQUENCY PROCEEDING IF THE
JUVENILE WAS THE VICTIM OF BULLYING.

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

SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended to add an additional section to read as follows:

9-27-368. Affirmative defense in juvenile delinquency cases.

(a) It is an affirmative defense to a delinquency case if the juvenile establishes that he or she was intentionally harassed, intimidated, humiliated, ridiculed, defamed, threatened, or provoked to violence by another student or a public school employee through conduct that addressed an attribute of the juvenile or a person with whom the juvenile is associated and the conduct caused or created actual or reasonably foreseeable:

(1) Physical harm to the juvenile or damage to the juvenile's property;

(2) Substantial interference with the juvenile's education;

(3) A hostile educational environment for the juvenile due to the severity, persistence, or pervasiveness of the conduct; or

(4) Substantial disruption of the orderly operation of the school or educational environment.



(b) If the juvenile establishes an affirmative defense under subsection (a) of this section, the court may:

(1) Dismiss the petition; or

(2) In the case at hand, if the juvenile used a dangerous weapon such as a gun, a knife, brass knuckles, a razor, or a sword, consider the affirmative defense as a mitigating factor.