

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/15/17
A Bill

SENATE BILL 718

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROTECT CHILDREN IN DELINQUENCY CASES AND FAMILIES IN NEED OF SERVICES CASES FROM UNWARRANTED TESTING FOR DRUG OR ALCOHOL ABUSE; AND FOR OTHER PURPOSES.

Subtitle

TO PROTECT CHILDREN IN DELINQUENCY CASES AND FAMILIES IN NEED OF SERVICES CASES FROM UNWARRANTED TESTING FOR DRUG OR ALCOHOL ABUSE.

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

SECTION 1. Arkansas Code § 9-27-325(e)(2)(A), concerning hearings under the Juvenile Code, is amended to read as follows:

(2)(A)(i) Upon motion of any party, the court may order that the father, mother, and child submit to scientific testing for drug or alcohol abuse.

(ii) In a dependency-neglect proceeding, the court may order the father, mother, and child to submit to scientific testing for drug or alcohol abuse.

(iii) In a delinquency proceeding, the child shall not be ordered to submit to scientific testing for drug or alcohol abuse before the adjudication hearing, unless a court finds by reasonable suspicion that drug or alcohol abuse is present or testing was consented to by the juvenile in a diversion program, or the scientific testing will be used as a screening tool in another preadjudication program, including a juvenile drug



court.

(iv)(a) In a family in need of services proceeding, the family shall not be ordered to submit to scientific testing for drug or alcohol abuse, before adjudication except as provided by agreed diversion terms.

(b) A parent may be tested postadjudication upon a finding by reasonable suspicion of the court that drug or alcohol use exists.

SECTION 2. Arkansas Code § 9-27-330(a)(2), concerning dispositions in juvenile delinquency proceedings, is amended to read as follows:

(2)(A) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations.

(B) Order a parent to submit to scientific testing for drug or alcohol abuse if the court has a reasonable suspicion that the test will be positive.

(C) If a court finds reasonable suspicion for testing under subdivision (a)(2)(A) of this section, the court may continue to order testing of the parent without subsequent findings;

SECTION 3. Arkansas Code § 9-27-333, concerning the disposition of cases regarding families in need of services, is amended to add an additional subsection to read as follows:

(j) A court shall not order scientific testing for drug or alcohol abuse for a parent unless reasonable suspicion exists that the test will be positive.

/s/Hester