

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23
A Bill

SENATE BILL 406

By: Senators K. Hammer, Irvin

By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING EXTENDED JUVENILE JURISDICTION DESIGNATION UNDER THE ARKANSAS JUVENILE CODE OF 1989; TO AMEND THE CRIMINAL CHARGES THAT WOULD ALLOW THE STATE TO REQUEST AN EXTENDED JUVENILE JURISDICTION DESIGNATION IN A DELINQUENCY PETITION OR FILE A SEPARATE MOTION WHEN ONE OR MORE OF THE OFFENSES ARE CHARGED AGAINST A JUVENILE WHO IS FOURTEEN OR FIFTEEN YEARS OF AGE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING EXTENDED JUVENILE JURISDICTION DESIGNATION UNDER THE ARKANSAS JUVENILE CODE OF 1989.

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

SECTION 1. Arkansas Code § 9-27-501 is amended to read as follows:

9-27-501. Extended juvenile jurisdiction designation.

(a) The state may request an extended juvenile jurisdiction designation in a delinquency petition or file a separate motion if the:

(1) Juvenile, under thirteen (13) years of age at the time of the alleged offense, is charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, and the state has overcome presumptions of lack of fitness to proceed and lack of capacity as set forth in § 9-27-502;

(2)(A) Juvenile, thirteen (13) years of age at the time of the



alleged offense, is charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102.

(B) However, juveniles thirteen (13) years of age at the time of the alleged offense shall have an evaluation pursuant to § 9-27-502, and the burden will be upon the juvenile to establish lack of fitness to proceed and lack of capacity;

(3) Juvenile, fourteen (14) or fifteen (15) years of age at the time of the alleged offense, is charged with any of the following crimes ~~listed in § 9-27-318(b)(1) and (c)(2); or:~~

- (A) Capital murder, § 5-10-101;
- (B) Murder in the first degree, § 5-10-102;
- (C) Murder in the second degree, § 5-10-103;
- (D) Kidnapping, § 5-11-102;
- (E) Aggravated robbery, § 5-12-103;
- (F) Battery in the first degree, § 5-13-201;
- (G) Battery in the second degree in violation of § 5-13-202(a)(2), (3), or (4);
- (H) Aggravated assault, § 5-13-204;
- (I) Terroristic act, § 5-13-310;
- (J) Rape, § 5-14-103;
- (K) Sexual assault in the second degree, § 5-14-125;
- (L) First degree escape, § 5-54-110;
- (M) Second degree escape, § 5-54-111;
- (N) Criminal use of prohibited weapons, § 5-73-104;
- (O) Possession of a handgun on school property, § 5-73-119(b)(1)(A);
- (P) Unlawful discharge of a firearm from a vehicle, § 5-74-107;
- (Q) Any felony involving a firearm;
- (R) Soliciting or recruiting a minor to join or to remain a member of a criminal gang, organization, or enterprise, § 5-74-203; or
- (S) A felony attempt, solicitation, or conspiracy to commit any of the following offenses:
 - (i) Capital murder, § 5-10-101;
 - (ii) Murder in the first degree, § 5-10-102;
 - (iii) Murder in the second degree, § 5-10-103;

- (iv) Kidnapping, § 5-11-102;
- (v) Aggravated robbery, § 5-12-103;
- (vi) Battery in the first degree, § 5-13-201;
- (vii) Rape, § 5-14-103;
- (viii) First degree escape, § 5-54-110; and
- (ix) Second degree escape, § 5-54-111; or

(4) Juvenile, is at least sixteen (16) or seventeen (17) years of age at the time of the alleged offense, is charged with any of the crimes listed in § 9-27-318(b)(1) and (c)(2) when he or she engages in conduct that, if committed by an adult, would be a felony.

(b) The juvenile's attorney may file a motion to request extended juvenile jurisdiction if the state could have filed pursuant to subsection (a) of this section.

/s/K. Hammer