

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S4/7/25 H4/9/25

A Bill

SENATE BILL 458

By: Senator G. Leding

By: Representative Clowney

For An Act To Be Entitled

AN ACT TO REQUIRE A COURT TO CONSIDER THE IMPACT OF FACTORS SUCH AS TRAUMA AND INVOLVEMENT WITH THE CHILD WELFARE SYSTEM ON A PERSON WHO COMMITTED A CRIME AS A MINOR DURING A TRANSFER OR SENTENCING HEARING; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE A COURT TO CONSIDER THE IMPACT OF FACTORS SUCH AS TRAUMA AND INVOLVEMENT WITH THE CHILD WELFARE SYSTEM ON A PERSON WHO COMMITTED A CRIME AS A MINOR DURING A TRANSFER OR SENTENCING HEARING.

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

SECTION 1. Arkansas Code § 9-27-318(g), concerning what a court is required to consider in a hearing on the transfer of a delinquency matter to a criminal division of circuit court, is amended to read as follows:

(g) In the transfer hearing, the court shall consider all of the following factors:

(1) The seriousness of the alleged offense and whether the protection of society requires prosecution in the criminal division of circuit court;

(2) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(3) Whether the offense was against a person or property, with



greater weight being given to offenses against persons, especially if personal injury resulted;

(4) The culpability of the juvenile, including the level of planning and participation in the alleged offense;

(5) The previous history of the juvenile, including whether the juvenile had been adjudicated a juvenile offender and, if so, whether the offenses were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence;

(6) The sophistication or maturity of the juvenile as determined by consideration of the juvenile's home, environment, emotional attitude, pattern of living, or desire to be treated as an adult;

(7) Whether there are facilities or programs available to the judge of the juvenile division of circuit court that are likely to rehabilitate the juvenile before the expiration of the juvenile's twenty-first birthday;

(8) Whether the juvenile acted alone or was part of a group in the commission of the alleged offense;

(9) Written reports, ~~and other materials~~, and any other information relating to the juvenile's mental, physical, educational, and social history, including without limitation exposure to adverse childhood experiences, childhood trauma, involvement in the child welfare or foster care systems, status as a victim of human trafficking, sexual abuse, or rape;
and

(10) Any other factors deemed relevant by the judge.

SECTION 2. Arkansas Code § 9-27-503(c)(9), concerning a court's findings and consideration of written reports and materials relating to a juvenile's mental, physical, educational, and social history as a factor in deciding to designate a juvenile as an extended juvenile jurisdiction offender, is amended to read as follows:

(9) Written reports, ~~and other materials~~, and any other information relating to the juvenile's mental, physical, educational, and social history, including without limitation exposure to adverse childhood experiences, childhood trauma, involvement in the child welfare or foster care systems, status as a victim of human trafficking, sexual abuse, or rape;
and

SECTION 3. Arkansas Code Title 16, Chapter 90, Subchapter 1, is amended to add an additional section to read as follows:

16-90-124. Sentencing of juvenile or person convicted for offense committed as juvenile – Factors.

If a person is convicted for an offense that the person committed when he or she was less than eighteen (18) years of age, the court shall, in addition to any other factors that the court is required to consider before imposing a sentence upon the person, consider the following:

(1) The exposure of the juvenile or person who committed the offense as a juvenile to adverse childhood experiences or childhood trauma, involvement in the child welfare or foster care systems, status as a victim of human trafficking, sexual abuse, or rape, and the impact of trauma on the juvenile's behavior; and

(2) The differences between a juvenile offender and an adult offender, including without limitation the diminished culpability of a juvenile as compared to that of an adult and the typical characteristics of youth.

/s/G. Leding