

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: S3/20/25 H4/14/25

A Bill

SENATE BILL 459

By: Senator G. Leding

By: Representative Hudson

For An Act To Be Entitled

AN ACT TO AMEND THE MINIMUM AGE NECESSARY TO
ADJUDICATE A JUVENILE DELINQUENT; TO REQUIRE THAT A
JUVENILE WHO IS NINE YEARS OF AGE OR YOUNGER AND
CAUSES THE DEATH OF ANOTHER PERSON TO BE ADJUDICATED
A JUVENILE IN A FAMILY IN NEED OF SERVICES MATTER;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE MINIMUM AGE NECESSARY TO
ADJUDICATE A JUVENILE DELINQUENT.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Very young children under ten (10) years of age should be held accountable in an appropriate way, but do not have the intellectual capacity and maturity to understand the consequences of their actions and the charges against them, and scientific research has found that in children this young, qualities such as impulse control and future orientation are not well developed in the brain;

(2) Children under ten (10) years of age do not have the ability to form mens rea or criminal intent, but should still receive services and treatment when they engage in what would otherwise be delinquent or criminal behavior; and

(3) States such as Texas, Louisiana, Mississippi, North Dakota, South Dakota, and Kansas have set a minimum age of delinquency adjudication



of ten (10) years of age with no exceptions for specific crimes.

(b) Therefore, it is the intent of the General Assembly to establish a minimum age of ten (10) years of age before a child may be adjudicated delinquent, provided that in cases involving homicide, the child be adjudicated a juvenile member of a family in need of services to ensure age-appropriate accountability and treatment through the supervision of the courts.

SECTION 2. Arkansas Code § 9-27-303(15), concerning the definition of "delinquent juvenile" under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(15) "Delinquent juvenile" means+

~~(A)~~ A a juvenile ten (10) years old or older who:

~~(i)~~ (A) Has committed an act other than a traffic offense or game and fish violation that, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state;

~~(ii)~~ (B) Has violated § 5-73-119; ~~or~~

~~(iii)~~ (C) Has violated § 5-71-217(d)(2), cyberbullying of a school employee; or

~~(B)~~ (D) Any juvenile Has been charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, subject to extended juvenile jurisdiction;

/s/G. Leding