

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 89

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE CLOSED AND
9 CONFIDENTIAL NATURE OF RECORDS UNDER THE ARKANSAS
10 JUVENILE CODE OF 1989; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO AMEND THE LAW CONCERNING THE CLOSED
15 AND CONFIDENTIAL NATURE OF RECORDS UNDER
16 THE ARKANSAS JUVENILE CODE OF 1989.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 9-27-309(a), concerning records that may be
22 closed and confidential at the discretion of the circuit court, is amended to
23 read as follows:

24 (a) All records may be closed and confidential within the discretion
25 of the circuit court, except:

26 (1) Adoption records, including any part of a dependency-neglect
27 record that includes adoption records, shall be closed and confidential as
28 provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.;

29 (2) Records of delinquency adjudications for which a juvenile
30 could have been tried as an adult shall be made available to prosecuting
31 attorneys for use at sentencing if the juvenile is subsequently tried as an
32 adult or to determine if the juvenile should be tried as an adult; ~~and~~

33 (3) The Administrative Office of the Courts shall provide the
34 Arkansas Crime Information Center with records of delinquency adjudications
35 for a juvenile adjudicated delinquent for an offense for which juvenile
36 fingerprints shall be taken under § 9-27-320; and



1 (4) A criminal court shall not use a record from a dependency-
2 neglect case that includes information provided to the Department of Human
3 Services during the performance of services, including without limitation
4 information obtained through staffing, counseling, family therapy, a
5 substance abuse service, a mediation service, court-appointed special
6 advocate services, or a psychological service.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36