

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/15/17

A Bill

SENATE BILL 718

5 By: Senator Hester
6

For An Act To Be Entitled

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

14 TO PROTECT CHILDREN IN DELINQUENCY CASES
15 AND FAMILIES IN NEED OF SERVICES CASES
16 FROM UNWARRANTED TESTING FOR DRUG OR
17 ALCOHOL ABUSE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 9-27-325(e)(2)(A), concerning hearings
24 under the Juvenile Code, is amended to read as follows:

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

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

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



1 court.

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

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

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

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

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

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

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

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

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28 /s/Hester

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