

Senate Amendment 5124

PAG LIN

1 1 Amend House File 2651, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 232.147, subsection 2, Code
1 6 Supplement 2005, is amended to read as follows:
1 7 2. Official juvenile court records in cases
1 8 alleging delinquency, including complaints under
1 9 section 232.28, shall be public records, subject to
1 10 ~~sealing under section 232.150~~ the following
1 11 restrictions:
1 12 a. Official juvenile court records containing a
1 13 petition or complaint alleging delinquency filed prior
1 14 to January 1, 2007, shall be public records subject to
1 15 a confidentiality order under section 232.149A or
1 16 sealing under section 232.150.
1 17 b. Official juvenile court records containing a
1 18 petition or complaint alleging delinquency filed on or
1 19 after January 1, 2007, shall be public records subject
1 20 to a confidentiality order under section 232.149A or
1 21 sealing under section 232.150. However, the official
1 22 records shall not be available to the public through
1 23 the internet or in an electronic customized data
1 24 report unless the child has been adjudicated
1 25 delinquent.
1 26 c. If the court has excluded the public from a
1 27 hearing under division II of this chapter, the
1 28 transcript of the proceedings shall not be deemed a
1 29 public record and inspection and disclosure of the
1 30 contents of the transcript shall not be permitted
1 31 except pursuant to court order or unless otherwise
1 32 provided in this chapter.
1 33 d. Complaints under section 232.28 shall be
1 34 released in accordance with section 915.25. Other
1 35 official juvenile court records may be released under
1 36 this section by a juvenile court officer.
1 37 Sec. 2. NEW SECTION. 232.149A CONFIDENTIALITY
1 38 ORDERS.
1 39 1. Notwithstanding any other provision of the Code
1 40 to the contrary, upon application of a person who was
1 41 taken into custody for a delinquent act or was the
1 42 subject of a complaint alleging delinquency or was the
1 43 subject of a delinquency petition, or upon the court's
1 44 own motion, the court after hearing, shall order
1 45 official juvenile court records in the case to be kept
1 46 confidential and no longer public records under
1 47 sections 232.147 and 232.149, if the court finds both
1 48 of the following apply:
1 49 a. The case has been dismissed and the person is
1 50 no longer subject to the jurisdiction of the juvenile
2 1 court.
2 2 b. Making the records confidential is in the best
2 3 interests of the person and the public.
2 4 2. The records subject to a confidentiality order
2 5 may be sealed at a later date if section 232.150
2 6 applies.
2 7 3. Official juvenile court records subject to a
2 8 confidentiality order may be inspected and their
2 9 contents shall be disclosed to the following without
2 10 court order:
2 11 a. The judge and professional court staff,
2 12 including juvenile court officers.
2 13 b. The child and the child's counsel.
2 14 c. The child's parent, guardian or custodian,
2 15 court appointed special advocate, and guardian ad
2 16 litem, and the members of the child advocacy board
2 17 created in section 237.16 or a local citizen foster
2 18 care review board created in accordance with section
2 19 237.19 who are assigning or reviewing the child's
2 20 case.
2 21 d. The county attorney and the county attorney's
2 22 assistants.
2 23 e. An agency, association, facility, or
2 24 institution which has custody of the child, or is

2 25 legally responsible for the care, treatment, or
2 26 supervision of the child, including but not limited to
2 27 the department of human services.
2 28 f. A court, court professional staff, and adult
2 29 probation officers in connection with the preparation
2 30 of a presentence report concerning a person who had
2 31 been the subject of a juvenile court proceeding.
2 32 g. The child's foster parent or an individual
2 33 providing preadoptive care to the child.
2 34 4. Pursuant to court order, official juvenile
2 35 court records subject to a confidentiality order may
2 36 be inspected by and their contents may be disclosed
2 37 to:
2 38 a. A person conducting bona fide research for
2 39 research purposes under whatever conditions the court
2 40 may deem proper, provided that no personal identifying
2 41 data shall be disclosed to such a person.
2 42 b. Persons who have a direct interest in a
2 43 proceeding or in the work of the court.>
2 44 #2. Page 1, line 7, by inserting before the word
2 45 <records> the following: <official juvenile court>.
2 46 #3. Page 1, line 10, by striking the word <Two>
2 47 and inserting the following: <Two The person is
2 48 eighteen years of age and two>.
2 49 #4. Page 1, lines 10 and 11, by striking the words
2 50 <the final discharge of the person or since> and
3 1 inserting the following: <the final discharge of the
3 2 person or since>.
3 3 #5. Page 1, line 12, by striking the words <if
3 4 there was no adjudication and disposition> and
3 5 inserting the following: <if there was no
3 6 adjudication and disposition>.
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3 10 COMMITTEE ON JUDICIARY
3 11 KEITH A. KREIMAN, CO=CHAIRPERSON
3 12
3 13
3 14
3 15 DAVID MILLER, CO=CHAIRPERSON
3 16 HF 2651.301 81
3 17 jm/cf/4474