

2-17-97 Judiciary

FILED FEB 17 1997

SENATE FILE 141
BY MADDOX

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access to information pertaining to juveniles
2 involved in delinquent acts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 141

1 Section 1. Section 232.19, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Information pertaining to a child
4 taken into custody for a delinquent act which would be a
5 public offense under section 701.2 is a public record and
6 shall not be confidential under section 232.147.

7 Sec. 2. Section 232.28, subsection 10, Code 1997, is
8 amended to read as follows:

9 10. A complaint filed with the court or its designee
10 pursuant to this section which alleges that a child has
11 committed a delinquent act which if committed by an adult
12 would be ~~an aggravated misdemeanor or a felony shall be a~~
13 public offense under section 701.2 is a public record and
14 shall not be confidential under section 232.147. The court,
15 its designee, or law enforcement officials are authorized to
16 release the complaint, including the identity of the child
17 named in the complaint.

18 Sec. 3. Section 232.148, subsection 2, Code 1997, is
19 amended to read as follows:

20 2. Fingerprints and photographs of a child who has been
21 taken into custody and who is fourteen years of age or older
22 may be taken and filed by a criminal or juvenile justice
23 agency investigating the commission of a public offense other
24 than a simple ~~or serious~~ misdemeanor. The criminal or
25 juvenile justice agency shall forward the fingerprints to the
26 department of public safety for inclusion in the automated
27 fingerprint identification system and may also retain a copy
28 of the fingerprint card for comparison with latent
29 fingerprints and the identification of repeat offenders.

30 Sec. 4. Section 232.149, subsection 2, Code 1997, is
31 amended to read as follows:

32 2. Records and files of a criminal or juvenile justice
33 agency concerning a child involved in a delinquent act are
34 public records, except that a criminal or juvenile justice
35 agency shall ~~not~~ only release ~~the name of a child until a~~

1 complaint ~~is~~-filed pursuant to section 232.28 and criminal
2 history data is subject to the provisions of chapter 692. The
3 records are subject to sealing under section 232.150 unless
4 the juvenile court waives its jurisdiction over the child so
5 that the child may be prosecuted as an adult for a public
6 offense.

7 Sec. 5. Section 331.653, subsection 58, Code 1997, is
8 amended to read as follows:

9 58. Report information on crimes committed and delinquent
10 acts committed, which would be an a serious or aggravated
11 misdemeanor or felony if committed by an adult, and furnish
12 disposition reports on persons arrested and juveniles taken
13 into custody, for a delinquent act which would be an a serious
14 or aggravated misdemeanor or felony if committed by an adult,
15 and criminal complaints or information or juvenile delinquency
16 petitions, alleging a delinquent act which would be an a
17 serious or aggravated misdemeanor or felony if committed by an
18 adult, filed in any court as provided in section 692.15.

19 Sec. 6. Section 602.8102, subsection 125, Code 1997, is
20 amended to read as follows:

21 125. Furnish a disposition of each criminal complaint or
22 information or juvenile delinquency petition, alleging a
23 delinquent act which would be an a serious or aggravated
24 misdemeanor or felony if committed by an adult, filed in the
25 district or juvenile court to the department of public safety
26 as provided in section 692.15.

27 Sec. 7. Section 692.1, subsections 1 and 9, Code 1997, are
28 amended to read as follows:

29 1. "Adjudication data" means information that an
30 adjudication of delinquency for an act which would be an a
31 serious or aggravated misdemeanor or felony if committed by an
32 adult was entered against a juvenile and includes the date and
33 location of the delinquent act and the place and court of
34 adjudication.

35 9. "Custody data" means information pertaining to the

1 taking into custody, pursuant to section 232.19, of a juvenile
2 for a delinquent act which would be ~~an~~ a serious or aggravated
3 misdemeanor or felony if committed by an adult, and includes
4 the date, time, place, and facts and circumstances of the
5 delinquent act. Custody data includes warrants for the taking
6 into custody for all delinquent acts outstanding and not
7 served and includes the filing of a petition pursuant to
8 section 232.35, the date and place of the alleged delinquent
9 act, and the county of jurisdiction.

10 EXPLANATION

11 The bill provides that information pertaining to a juvenile
12 taken into custody for a delinquent act which would be a
13 public offense under section 701.2 is a public record at the
14 point the juvenile is taken into custody. The bill also
15 provides that a complaint alleging the commission of a
16 delinquent act by a juvenile is a public record if the
17 delinquent act alleged is a public offense. Currently, the
18 delinquent act must be an aggravated misdemeanor or greater
19 for the complaint to be a public record.

20 This bill further provides that criminal history data
21 regarding juveniles shall be maintained by the department of
22 public safety if the juvenile is adjudicated delinquent of a
23 public offense which is a serious misdemeanor or more serious
24 offense. Currently, criminal history data is maintained only
25 for juveniles adjudicated delinquent for aggravated
26 misdemeanors or felonies. The bill also provides for
27 fingerprinting of those juveniles aged 14 or older who commit
28 a serious misdemeanor or more serious offense.

29 The bill may include a state mandate as defined in section
30 25B.3.

31
32
33
34
35