

FEB 22 1999

JUDICIARY

HOUSE FILE 341  
BY BURNETT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the release of confidential juvenile court  
2 records to schools regarding the possession, delivery,  
3 purchase, or attempt to purchase alcohol.

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

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HF 341

1 Section 1. Section 232.19, subsection 4, Code 1999, is  
2 amended to read as follows:

3 4. Information pertaining to a child who is at least ten  
4 years of age and who is taken into custody for a delinquent  
5 act which would be a public offense is a public record and is  
6 not confidential unless otherwise specified under section  
7 232.147.

8 Sec. 2. Section 232.147, subsection 2, Code 1999, is  
9 amended to read as follows:

10 2. Official juvenile court records in cases alleging  
11 delinquency, including complaints under section 232.28, shall  
12 be public records, subject to sealing under section 232.150.  
13 If the court has excluded the public from a hearing under  
14 division II of this chapter, the transcript of the proceedings  
15 shall not be deemed a public record and inspection and  
16 disclosure of the contents of the transcript shall not be  
17 permitted except pursuant to court order or unless otherwise  
18 provided in this chapter. Complaints under section 232.28  
19 shall be released in accordance with section 915.25. Other  
20 official juvenile court records may be released under this  
21 section by a juvenile court officer. However, a complaint  
22 under section 232.28, information, or records of a delinquent  
23 act for a violation of section 123.47 are not public records  
24 and the release of such records is subject to the requirements  
25 of subsection 2A.

26 Sec. 3. Section 232.147, Code 1999, is amended by adding  
27 the following new subsection:

28 NEW SUBSECTION. 2A. The principal or the principal's  
29 designee of a public or nonpublic school attended by a  
30 juvenile may receive or inspect any juvenile court record  
31 involving a violation of section 123.47 by the juvenile.

32 Sec. 4. Section 232.149, subsection 2, Code 1999, is  
33 amended to read as follows:

34 2. Records and files of a criminal or juvenile justice  
35 agency concerning a child involved in a delinquent act are

1 public records, except that release of criminal history data,  
2 intelligence data, and law enforcement investigatory files is  
3 subject to the provisions of section 22.7 and chapter 692, and  
4 juvenile court social records, as defined in section 232.2,  
5 subsection 31, shall be deemed confidential criminal  
6 identification files under section 22.7, subsection 9.  
7 However, records or files of a delinquent act for a violation  
8 of section 123.47 are not public records and the release of  
9 such records is subject to the requirements of section  
10 232.147. The records are subject to sealing under section  
11 232.150 unless the juvenile court waives its jurisdiction over  
12 the child so that the child may be prosecuted as an adult for  
13 a public offense.

14 Sec. 5. Section 915.25, subsection 1, Code 1999, is  
15 amended to read as follows:

16 1. A complaint filed with the court or its designee  
17 pursuant to chapter 232 which alleges that a child who is at  
18 least ten years of age has committed a delinquent act, which  
19 if committed by an adult would be a public offense, is a  
20 public record and shall not be confidential unless otherwise  
21 specified under section 232.147.

22 EXPLANATION

23 This bill amends Code section 232.147 regarding the  
24 confidentiality of juvenile records. If a juvenile is taken  
25 into custody, if a delinquency petition is filed, or if the  
26 juvenile is adjudicated delinquent of possession, delivery,  
27 purchase, or attempted purchase of alcohol in violation of  
28 Code section 123.47, the bill provides that all juvenile court  
29 records are to be kept confidential. However, the bill also  
30 provides that records of a violation of Code section 123.47  
31 may be disclosed to the juvenile's school principal.

32 Under current law, any juvenile records pertaining to a  
33 violation of Code section 123.47 are a matter of public  
34 record.

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