

MAR 7 2006  
Place On Calendar

HOUSE FILE 2676  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2381)

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

**A BILL FOR**

1 An Act relating to sealing and confidentiality of juvenile court  
2 records.

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

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HF 2676

1 Section 1. Section 232.147, subsections 1 and 2, Code  
2 Supplement 2005, are amended to read as follows:

3 1. Juvenile court records shall be confidential. They  
4 shall not be inspected and their contents shall not be  
5 disclosed except as provided in this section or in section  
6 232.149A.

7 2. Official juvenile court records in cases alleging  
8 delinquency, including complaints under section 232.28, shall  
9 be public records, subject to sealing under section 232.150 or  
10 a confidentiality order issued under section 232.149A.

11 However, official juvenile court records shall not be posted  
12 on the internet or available on any official public  
13 information database in an electronic format, unless the child  
14 has been adjudicated delinquent. If the court has excluded  
15 the public from a hearing under division II of this chapter,  
16 the transcript of the proceedings shall not be deemed a public  
17 record and inspection and disclosure of the contents of the  
18 transcript shall not be permitted except pursuant to court  
19 order or unless otherwise provided in this chapter.

20 Complaints under section 232.28 shall be released in  
21 accordance with section 915.25. Other official juvenile court  
22 records may be released under this section by a juvenile court  
23 officer.

24 Sec. 2. NEW SECTION. 232.149A CONFIDENTIALITY ORDERS.

25 1. Notwithstanding any other provision of the Code to the  
26 contrary, upon application of a person who was taken into  
27 custody for a delinquent act or was the subject of a complaint  
28 alleging delinquency or was the subject of a delinquency  
29 petition, or upon the court's own motion, the court after  
30 hearing, shall order official juvenile court records in the  
31 case to be kept confidential and no longer public records  
32 under sections 232.147 and 232.149, if the court finds both of  
33 the following apply:

34 a. The case has been dismissed and the person is no longer  
35 subject to the jurisdiction of the juvenile court.

1 b. An adjudication of delinquency was never entered  
2 against the person as a result of a complaint or petition  
3 being filed.

4 2. The records subject to a confidentiality order may be  
5 sealed at a later date if section 232.150 applies.

6 3. Official juvenile court records subject to a  
7 confidentiality order may be inspected and their contents  
8 shall be disclosed to the following without court order:

9 a. The judge and professional court staff, including  
10 juvenile court officers.

11 b. The child and the child's counsel.

12 c. The child's parent, guardian or custodian, court  
13 appointed special advocate, and guardian ad litem, and the  
14 members of the child advocacy board created in section 237.16  
15 or a local citizen foster care review board created in  
16 accordance with section 237.19 who are assigning or reviewing  
17 the child's case.

18 d. The county attorney and the county attorney's  
19 assistants.

20 e. An agency, association, facility, or institution which  
21 has custody of the child, or is legally responsible for the  
22 care, treatment, or supervision of the child, including but  
23 not limited to the department of human services.

24 f. A court, court professional staff, and adult probation  
25 officers in connection with the preparation of a presentence  
26 report concerning a person who had been the subject of a  
27 juvenile court proceeding.

28 g. The child's foster parent or an individual providing  
29 preadoptive care to the child.

30 4. Pursuant to court order, official juvenile court  
31 records subject to a confidentiality order may be inspected by  
32 and their contents may be disclosed to:

33 a. A person conducting bona fide research for research  
34 purposes under whatever conditions the court may deem proper,  
35 provided that no personal identifying data shall be disclosed

1 to such a person.

2 b. Persons who have a direct interest in a proceeding or  
3 in the work of the court.

4 Sec. 3. Section 232.150, subsection 1, Code 2005, is  
5 amended to read as follows:

6 1. Upon application of a person who was taken into custody  
7 for a delinquent act or was the subject of a complaint  
8 alleging delinquency or was the subject of a delinquency  
9 petition, or upon the court's own motion, the court, after  
10 hearing, shall order the official juvenile court records in  
11 the case including those specified in sections 232.147 and  
12 232.149 sealed if the court finds all of the following:

13 a. ~~Two~~ The person is eighteen years of age and two years  
14 have elapsed since ~~the final discharge of the person or since~~  
15 the last official action in the person's case ~~if there was no~~  
16 ~~adjudication and disposition.~~

17 b. The person has not been subsequently convicted of a  
18 felony or an aggravated or serious misdemeanor or adjudicated  
19 a delinquent child for an act which if committed by an adult  
20 would be a felony, an aggravated misdemeanor or a serious  
21 misdemeanor and no proceeding is pending seeking such  
22 conviction or adjudication.

23 c. The person was not placed on youthful offender status,  
24 transferred back to district court after the youthful  
25 offender's eighteenth birthday, and sentenced for the offense  
26 which precipitated the youthful offender placement.

27 However, if the person was adjudicated delinquent for an  
28 offense which if committed by an adult would be an aggravated  
29 misdemeanor or a felony, the court shall not order the records  
30 in the case sealed unless, upon application of the person or  
31 upon the court's own motion and after hearing, the court finds  
32 that paragraphs "a" and "b" apply and that the sealing is in  
33 the best interests of the person and the public.

34 If the person is under eighteen years of age, and if upon  
35 application or upon the court's own motion and after hearing,

1 the court finds that paragraphs "b" and "c" apply, the court  
2 may order the records sealed, if sealing the records is in the  
3 best interests of the person and the public.

4 Sec. 4. Section 232.150, subsection 4, Code 2005, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. All online records and online  
7 references to the records and any other information in an  
8 electronic format shall be deleted.

9 EXPLANATION

10 This bill relates to making juvenile records confidential  
11 and to the sealing of such records.

12 The bill provides that juvenile court records related to  
13 delinquency shall not be available to the public in an  
14 electronic format unless the juvenile has been adjudicated a  
15 delinquent. Current law permits juvenile records related to  
16 delinquency to be viewed in an electronic format unless the  
17 records have been sealed.

18 The bill allows juvenile court delinquency records to be  
19 confidential prior to the records being sealed. Under the  
20 bill, juvenile court delinquency records shall be kept  
21 confidential if the case against the juvenile has been  
22 dismissed and an adjudication of delinquency was never  
23 entered. The bill provides that juvenile delinquency records  
24 that are ordered confidential shall remain available to court  
25 personnel, attorneys of record including the county attorney,  
26 the child and the child's parents, and any agency which has  
27 custody of the child. Current law does not make juvenile  
28 delinquency records confidential unless the records have been  
29 sealed pursuant to Code section 232.150.

30 The bill changes the time period when a delinquency record  
31 of a juvenile can be sealed. The bill specifies that juvenile  
32 delinquency records may be sealed if the juvenile is 18 years  
33 of age and two years have elapsed since the last official  
34 action in the case. Current law requires that two years have  
35 elapsed since the final discharge of the juvenile or two years

1 have elapsed since the last official action in the juvenile's  
2 case if there was no adjudication and disposition. The bill  
3 does not change the other additional factors the court must  
4 consider prior to sealing the juvenile court records under  
5 Code section 232.150, subsection 1.

6 The bill permits the sealing of juvenile delinquency  
7 records if the person is under 18 years of age and the person  
8 has not subsequently committed another criminal offense  
9 greater than a simple misdemeanor, and, if applicable,  
10 successfully completed any youthful offender placement, and  
11 the court finds sealing the records is in the best interest of  
12 the juvenile and the public.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2676 - Juvenile Court Records (LSB 6286 HV)

Analyst: Lisa Burk (Phone: [515] 281-7942) ([lisa.burk@legis.state.ia.us](mailto:lisa.burk@legis.state.ia.us))

Fiscal Note Version – New

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**Description**

House File 2676 prohibits juvenile court records from being available to the public via the Internet unless the child is adjudicated delinquent. In addition, the Bill permits juvenile delinquency records to be kept confidential prior to the records being sealed if the case against the juvenile was dismissed and an adjudication of delinquency was never entered. Confidential records, however, remain available to court personnel, attorneys of record, the child and the child's parent, and any agency with custody of the child.

The Bill also changes the time period when the delinquency record of a juvenile can be sealed, specifying that records may be sealed if the juvenile is age 18 and two years have elapsed since the last official action in the case. In addition, the Bill permits the sealing of juvenile delinquency records if the individual is under age 18 and the individual has not subsequently committed another criminal offense greater than a simple misdemeanor, and, if applicable, has successfully completed any youthful offender placement, and the court finds sealing the records is in the best interest of the juvenile and the public.

**Background**

Under current law, juvenile records are posted on the Internet regardless of whether or not the case resulted in a delinquency adjudication unless the records have been sealed. Child in Need of Assistance (CINA) records are not posted on the Internet. Current law does not make juvenile delinquency records confidential unless the records have been sealed, and current law also requires that two years elapse since the last official action in the juvenile's case if there was no adjudication and disposition.

**Assumptions**

1. The Bill applies to both existing and future juvenile records; therefore, the current system will have to be cleared of existing juvenile records that did not result in a delinquency adjudication, or the records will have to be concealed from public view.
2. It will not be possible to develop consistent data entry parameters to clear the system of these existing juvenile records; therefore, clerks will have to review the paper file in every delinquency case posted electronically in order to determine if the case resulted in an adjudication of delinquency.
3. There are an estimated 60,000 delinquency cases available electronically that will take 10-15 minutes to review per case at a cost of 0.29 cents per minute, which will be a one-time cost.
4. The only juvenile cases that can be available on any official public information database in an electronic format are cases in which a child has been adjudicated delinquent, which will require reproducing the docket in paper form. The cost for this will range from \$100,000 to \$150,000 for docket books for all counties. The on-going cost for this will be minimal after the first year.

**Fiscal Impact**

The estimated cost of HF 2676 is an increase in State General Fund expenditures ranging from \$274,000 to \$411,000 for the Judicial Branch in FY 2007.

**Source**

Judicial Branch

/s/ Holly M. Lyons

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March 14, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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HOUSE FILE 2676

H-8319

1 Amend House File 2676 as follows:

2 1. Page 1, by striking lines 1 through 23 and  
3 inserting the following:

4 "Section 1. Section 232.147, subsection 2, Code  
5 Supplement 2005, is amended to read as follows:

6 2. Official juvenile court records in cases  
7 alleging delinquency, including complaints under  
8 section 232.28, shall be public records, subject to  
9 ~~sealing under section 232.150~~ the following  
10 restrictions:

11 a. Official juvenile court records containing a  
12 petition or complaint alleging delinquency filed prior  
13 to January 1, 2007, shall be public records subject to  
14 a confidentiality order under section 232.149A or  
15 sealing under section 232.150.

16 b. Official juvenile court records containing a  
17 petition or complaint alleging delinquency filed on or  
18 after January 1, 2007, shall be public records subject  
19 to a confidentiality order under section 232.149A or  
20 sealing under section 232.150. However, the official  
21 records shall not be available to the public through  
22 the internet or in an electronic customized data  
23 report unless the child has been adjudicated  
24 delinquent.

25 c. If the court has excluded the public from a  
26 hearing under division II of this chapter, the  
27 transcript of the proceedings shall not be deemed a  
28 public record and inspection and disclosure of the  
29 contents of the transcript shall not be permitted  
30 except pursuant to court order or unless otherwise  
31 provided in this chapter.

32 d. Complaints under section 232.28 shall be  
33 released in accordance with section 915.25. Other  
34 official juvenile court records may be released under  
35 this section by a juvenile court officer."

36 2. Page 2, by striking lines 1 through 3 and  
37 inserting the following:

38 "b. Making the records confidential is in the best  
39 interests of the person and the public."

40 3. By striking page 3, line 34, through page 4,  
41 line 8.

42 4. By renumbering as necessary.

By CARROLL of Poweshiek

H-8319 FILED MARCH 20, 2006

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2676 - Juvenile Court Records (LSB 6286 HV.1)  
Analyst: Lisa Burk (Phone: [515] 281-7942) ([lisa.burk@legis.state.ia.us](mailto:lisa.burk@legis.state.ia.us))  
Fiscal Note Version – Amendment H-8319 to HF 2676

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**Description**

Amendment H-8319 to HF 2676 requires juvenile court records filed on or after January 1, 2007, from being available to the public via the Internet unless the child is adjudicated delinquent. These juvenile cases are still considered public records and copies can be provided upon request; however, these records will no longer be available via the Internet.

**Background**

There are currently an estimated 60,000 delinquency cases available electronically. Under current law, juvenile records are posted on the Internet regardless of whether or not the case resulted in a delinquency adjudication unless the records have been sealed. Child in Need of Assistance (CINA) records are not posted on the Internet. Current law does not make juvenile delinquency records confidential unless the records have been sealed, and current law also requires that two years elapse since the last official action in the juvenile's case if there was no adjudication and disposition.

**Assumptions**

1. Amendment H-8319 requires official juvenile court records filed on or after January 1, 2007, to be unavailable via the Internet, unless the juvenile was adjudicated delinquent.
2. The Judicial Branch may require approximately \$5,000 in Iowa Court Information System (ICIS) programming costs to develop a program to automatically remove juvenile cases from the Internet on or after January 1, 2007, unless the juvenile is adjudicated delinquent.

**Fiscal Impact**

The fiscal impact of Amendment H-8319 to HF 2676 is minimal.

**Source**

Judicial Branch

\_\_\_\_\_  
/s/ Holly M. Lyons

March 21, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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HOUSE FILE 2676  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2381)

(As Amended and Passed by the House March 22, 2006)

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

**A BILL FOR**

1 An Act relating to sealing and confidentiality of juvenile court  
2 records.

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

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Deleted Language \*

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House Amendments \_\_\_\_\_

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TLSB 6286HV 81

jm/sh/8

1 Section 1. Section 232.147, subsection 2, Code Supplement  
2 2005, is amended to read as follows:

3 2. Official juvenile court records in cases alleging  
4 delinquency, including complaints under section 232.28, shall  
5 be public records, subject to ~~sealing under section 232.150~~  
6 the following restrictions:

7 a. Official juvenile court records containing a petition  
8 or complaint alleging delinquency filed prior to January 1,  
9 2007, shall be public records subject to a confidentiality  
10 order under section 232.149A or sealing under section 232.150.

11 b. Official juvenile court records containing a petition  
12 or complaint alleging delinquency filed on or after January 1,  
13 2007, shall be public records subject to a confidentiality  
14 order under section 232.149A or sealing under section 232.150.  
15 However, the official records shall not be available to the  
16 public through the internet or in an electronic customized  
17 data report unless the child has been adjudicated delinquent.

18 c. If the court has excluded the public from a hearing  
19 under division II of this chapter, the transcript of the  
20 proceedings shall not be deemed a public record and inspection  
21 and disclosure of the contents of the transcript shall not be  
22 permitted except pursuant to court order or unless otherwise  
23 provided in this chapter.

24 d. Complaints under section 232.28 shall be released in  
25 accordance with section 915.25. Other official juvenile court  
26 records may be released under this section by a juvenile court  
27 officer.

28 Sec. 2. NEW SECTION. 232.149A CONFIDENTIALITY ORDERS.

29 1. Notwithstanding any other provision of the Code to the  
30 contrary, upon application of a person who was taken into  
31 custody for a delinquent act or was the subject of a complaint  
32 alleging delinquency or was the subject of a delinquency  
33 petition, or upon the court's own motion, the court after  
34 hearing, shall order official juvenile court records in the  
35 case to be kept confidential and no longer public records

1 under sections 232.147 and 232.149, if the court finds both of  
2 the following apply:

3 a. The case has been dismissed and the person is no longer  
4 subject to the jurisdiction of the juvenile court.

5 b. Making the records confidential is in the best  
6 interests of the person and the public.

7 2. The records subject to a confidentiality order may be  
8 sealed at a later date if section 232.150 applies.

9 3. Official juvenile court records subject to a  
10 confidentiality order may be inspected and their contents  
11 shall be disclosed to the following without court order:

12 a. The judge and professional court staff, including  
13 juvenile court officers.

14 b. The child and the child's counsel.

15 c. The child's parent, guardian or custodian, court  
16 appointed special advocate, and guardian ad litem, and the  
17 members of the child advocacy board created in section 237.16  
18 or a local citizen foster care review board created in  
19 accordance with section 237.19 who are assigning or reviewing  
20 the child's case.

21 d. The county attorney and the county attorney's  
22 assistants.

23 e. An agency, association, facility, or institution which  
24 has custody of the child, or is legally responsible for the  
25 care, treatment, or supervision of the child, including but  
26 not limited to the department of human services.

27 f. A court, court professional staff, and adult probation  
28 officers in connection with the preparation of a presentence  
29 report concerning a person who had been the subject of a  
30 juvenile court proceeding.

31 g. The child's foster parent or an individual providing  
32 preadoptive care to the child.

33 4. Pursuant to court order, official juvenile court  
34 records subject to a confidentiality order may be inspected by  
35 and their contents may be disclosed to:

1 a. A person conducting bona fide research for research  
2 purposes under whatever conditions the court may deem proper,  
3 provided that no personal identifying data shall be disclosed  
4 to such a person.

5 b. Persons who have a direct interest in a proceeding or  
6 in the work of the court.

7 Sec. 3. Section 232.150, subsection 1, Code 2005, is  
8 amended to read as follows:

9 1. Upon application of a person who was taken into custody  
10 for a delinquent act or was the subject of a complaint  
11 alleging delinquency or was the subject of a delinquency  
12 petition, or upon the court's own motion, the court, after  
13 hearing, shall order the official juvenile court records in  
14 the case including those specified in sections 232.147 and  
15 232.149 sealed if the court finds all of the following:

16 a. ~~The person is eighteen years of age and two years~~  
17 ~~have elapsed since the final discharge of the person or since~~  
18 ~~the last official action in the person's case if there was no~~  
19 ~~adjudication and disposition.~~

20 b. The person has not been subsequently convicted of a  
21 felony or an aggravated or serious misdemeanor or adjudicated  
22 a delinquent child for an act which if committed by an adult  
23 would be a felony, an aggravated misdemeanor or a serious  
24 misdemeanor and no proceeding is pending seeking such  
25 conviction or adjudication.

26 c. The person was not placed on youthful offender status,  
27 transferred back to district court after the youthful  
28 offender's eighteenth birthday, and sentenced for the offense  
29 which precipitated the youthful offender placement.

30 However, if the person was adjudicated delinquent for an  
31 offense which if committed by an adult would be an aggravated  
32 misdemeanor or a felony, the court shall not order the records  
33 in the case sealed unless, upon application of the person or  
34 upon the court's own motion and after hearing, the court finds  
35 that paragraphs "a" and "b" apply and that the sealing is in

1 the best interests of the person and the public.

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