SENATE FILE 383

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1215)

A BILL FOR

1 An Act relating to the sealing of juvenile delinquency records.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1. Section 232.150, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:
4   ~~Upon~~ In the case of an adjudication of delinquency, the
5 court, upon its own motion, shall schedule a hearing to be
6 held two years after the date of the last official action, or
7 the date the child becomes eighteen years of age, whichever
8 is later, or upon application of a person who was taken into
9 custody for a delinquent act or was the subject of a complaint
10 alleging delinquency or was the subject of a delinquency
11 petition, or upon the court's own motion, the court, after
12 hearing, shall order the official juvenile court records in the
13 case including those specified in sections 232.147 and 232.149
14 sealed if the court finds all of the following:
15   Sec. 2. Section 692.16, Code 2013, is amended to read as
16 follows:
17   **692.16 Review and removal.**
18   At least every year the division shall review and determine
19 the current status of all Iowa arrests or takings into custody
20 reported, which are at least four years old with no disposition
21 data.
22   1. Any Iowa arrest ~~or taking of a juvenile into custody~~
23 of a person eighteen years of age or older recorded within
24 a computer data storage system which has no disposition
25 data after four years shall be removed unless there is an
26 outstanding arrest warrant or detainer on such charge.
27   2. Any arrest or taking of a juvenile into custody recorded
28 within a computer data storage system which has no disposition
29 data after two years shall be removed unless there is an
30 outstanding arrest warrant or detainer on such charge.
31   EXPLANATION
32   This bill relates to the sealing of juvenile delinquency
33 records.
34   The bill provides that the court, on its own motion, shall
35 schedule a hearing two years after the date of the last

1 official action in a juvenile delinquency case, or on the
2 date the child becomes 18 years of age, whichever is later,
3 to determine whether the delinquency records should be sealed
4 pursuant to Code section 232.150(1)(a).
5   In order for juvenile records to be sealed, current
6 provisions and the bill require that the juvenile has not
7 committed any subsequent criminal violations greater than a
8 simple misdemeanor and that the juvenile has successfully
9 completed any youthful offender placement.
10   The bill also accelerates the removal of juvenile records
11 stored within the computer data storage system of the
12 department of public safety. The bill requires the department
13 of public safety to remove the records from the computer
14 data storage system of the department that relate to a
15 juvenile arrest or the taking of a juvenile into custody if
16 no disposition data has been recorded within two years of the
17 arrest or taking into custody, unless there is an outstanding
18 arrest warrant or detainer for the juvenile. Current law
19 requires the arrest or taking into custody information for a
20 juvenile information be removed from the computer data storage
21 system of the department of public safety if no disposition
22 data has been recorded within four years of the arrest or
23 taking into custody.
24   Code section 692.1 defines "disposition data" to mean
25 information pertaining to a recorded court proceeding
26 subsequent and incidental to a public offense arrest and
27 includes dismissal of the charge, suspension or deferral of
28 sentence.