

Senate Study Bill 1215 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

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 application of~~ The court, on its own motion, shall
5 schedule a hearing to be held two years after the date of the
6 last official action, or the date the child becomes eighteen
7 years of age, whichever is later, in a case of a person who
8 was taken into custody for a delinquent act or was the subject
9 of a complaint alleging delinquency or was the subject of a
10 delinquency petition, ~~or upon the court's own motion, the~~
11 ~~court, after hearing, shall order~~ and order, if there is no
12 objection from the county attorney, the official juvenile court
13 records in the case including those specified in sections
14 232.147 and 232.149 sealed if the court finds all of the
15 following:

16 Sec. 2. Section 232.150, subsection 1, paragraph a,
17 subparagraph (1), Code 2013, is amended by striking the
18 subparagraph.

19 Sec. 3. Section 692.16, Code 2013, is amended to read as
20 follows:

21 **692.16 Review and removal.**

22 At least every year the division shall review and determine
23 the current status of all Iowa arrests or takings into custody
24 reported, which are at least four years old with no disposition
25 data.

26 1. Any Iowa arrest or taking of a juvenile into custody
27 of a person eighteen years of age or older recorded within
28 a computer data storage system which has no disposition
29 data after four years shall be removed unless there is an
30 outstanding arrest warrant or detainer on such charge.

31 2. Any arrest or taking of a juvenile into custody recorded
32 within a computer data storage system which has no disposition
33 data after two years shall be removed unless there is an
34 outstanding arrest warrant or detainer on such charge.

35

EXPLANATION

1 This bill relates to the sealing of juvenile delinquency
2 records.

3 The bill provides that the court, on its own motion, shall
4 schedule a hearing two years after the date of the last
5 official action in a juvenile delinquency case, or after the
6 date the child becomes 18 years of age, whichever is later, and
7 order, if there is no objection from the county attorney, that
8 the delinquency records be sealed.

9 In order for juvenile records to be sealed, current
10 provisions and the bill require that the juvenile has not
11 committed any subsequent criminal violations greater than a
12 simple misdemeanor and that the juvenile has successfully
13 completed any youthful offender placement.

14 The bill also accelerates the removal of juvenile records
15 stored within the computer data storage system of the
16 department of public safety. The bill requires the department
17 of public safety to remove the records from the computer
18 data storage system of the department that relate to a
19 juvenile arrest or the taking of a juvenile into custody if
20 no disposition data has been recorded within two years of the
21 arrest or taking into custody, unless there is an outstanding
22 arrest warrant or detainer for the juvenile. Current law
23 requires the arrest or taking into custody information for a
24 juvenile information be removed from the computer data storage
25 system of the department of public safety if no disposition
26 data has been recorded within four years of the arrest or
27 taking into custody.

28 Code section 692.1 defines "disposition data" to mean
29 information pertaining to a recorded court proceeding
30 subsequent and incidental to a public offense arrest and
31 includes dismissal of the charge, suspension or deferral of
32 sentence.