

Senate Study Bill 1148 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to the confidentiality of certain juvenile
2 court records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13B.4B, subsection 2, paragraph b,
2 subparagraph (3), Code 2015, is amended to read as follows:

3 (3) The case number and name of the client unless the
4 information is a confidential juvenile record under section
5 232.147 or 232.147A.

6 Sec. 2. Section 232.19, subsection 4, Code 2015, is amended
7 to read as follows:

8 4. ~~Information~~ Except as provided in section 232.147A,
9 information pertaining to a child who is at least ten years
10 of age and who is taken into custody for a delinquent act
11 which would be a public offense is a public record and is not
12 confidential under section 232.147.

13 Sec. 3. Section 232.147, subsection 1, Code 2015, is amended
14 to read as follows:

15 1. Juvenile court records shall be confidential. ~~They~~

16 a. Records containing a dismissal of a complaint or an
17 informal adjustment of a complaint when no petition is filed
18 relating to the complaint shall be inspected and disclosed
19 pursuant to section 232.147A.

20 b. All other records shall not be inspected and ~~their~~
21 the contents of the records shall not be disclosed except as
22 provided in this section.

23 Sec. 4. Section 232.147, subsection 2, paragraph a, Code
24 2015, is amended to read as follows:

25 a. Official juvenile court records containing a petition
26 or complaint alleging delinquency filed prior to January 1,
27 2007, shall be public records subject to section 232.147A, a
28 confidentiality order under section 232.149A, or sealing under
29 section 232.150.

30 Sec. 5. Section 232.147, subsection 2, paragraph b,
31 unnumbered paragraph 1, Code 2015, is amended to read as
32 follows:

33 Official juvenile court records containing a petition or
34 complaint alleging delinquency filed on or after January 1,
35 2007, shall be public records subject to section 232.147A, a

1 confidentiality order under section 232.149A, or sealing under
2 section 232.150. The official records shall not be available
3 to the public or any governmental agency through the internet
4 or in an electronic customized data report unless the child has
5 been adjudicated delinquent. However, the following shall have
6 access to official juvenile court records through the internet
7 or in an electronic customized data report prior to the child
8 being adjudicated delinquent:

9 Sec. 6. Section 232.147, subsection 6, Code 2015, is amended
10 to read as follows:

11 6. ~~a.~~ Inspection of social records and disclosure of their
12 contents shall not be permitted except pursuant to court order
13 or unless otherwise provided in this subsection or chapter.

14 ~~b.~~ ~~If an informal adjustment of a complaint is made pursuant~~
15 ~~to section 232.29, the intake officer shall disclose to the~~
16 ~~victim of the delinquent act, upon the request of the victim,~~
17 ~~the name and address of the child who committed the delinquent~~
18 ~~act.~~

19 Sec. 7. NEW SECTION. 232.147A Dismissal of complaint and
20 informal adjustment — records.

21 1. If a complaint against a juvenile is filed under section
22 232.28 but a petition is not filed on the complaint under
23 section 232.35, the official juvenile court records containing
24 a dismissal of the complaint or an informal adjustment of the
25 complaint under section 232.29 shall not be inspected and
26 the contents of the records shall not be disclosed except as
27 provided in this section.

28 2. The intake officer to whom the complaint was referred
29 shall disclose to the victim of a delinquent act, the name and
30 address of the child who committed the delinquent act, upon the
31 request of the victim.

32 3. The following shall have access to the official juvenile
33 court records:

34 a. The county attorney and the county attorney's designee.

35 b. The superintendent or superintendent's designee of a

1 school district, or the authorities in charge of an accredited
2 nonpublic school.

3 c. The designee of the armed forces of the United States.

4 d. The statistical analysis center for the purposes stated
5 in section 216A.136.

6 Sec. 8. Section 232.149, Code 2015, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 2A. Records and files of a criminal or
9 juvenile justice agency concerning a defendant transferred
10 to the juvenile court under section 803.6 for the alleged
11 commission of a public offense are public records, except that
12 release of criminal history data, intelligence data, and law
13 enforcement investigatory files is subject to the provisions of
14 section 22.7 and chapter 692, and juvenile court social records
15 shall be deemed confidential criminal identification files
16 under section 22.7, subsection 9. The records are subject to
17 sealing under section 232.150.

18 Sec. 9. Section 915.25, Code 2015, is amended to read as
19 follows:

20 **915.25 Right to review complaint against juvenile.**

21 1. A Except as provided in section 232.147A, a complaint
22 filed with the court or its designee pursuant to chapter 232
23 which alleges that a child who is at least ten years of age
24 has committed a delinquent act, which if committed by an adult
25 would be a public offense, is a public record and shall not be
26 confidential under section 232.147.

27 2. The Except as provided in section 232.147A, the court,
28 its designee, or law enforcement officials are authorized to
29 release the complaint, including the identity of the child
30 named in the complaint.

31

EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the confidentiality of juvenile court
35 records.

1 The amendment to Code section 13B.4B(2) specifies that the
2 summary of a court appointed attorney's claim for compensation
3 submitted to the state public defender shall not contain
4 information relating to a dismissal of a juvenile complaint
5 or an informal adjustment of a complaint under Code section
6 232.29.

7 The amendment to Code section 232.19 specifies that when
8 a juvenile is taken into custody, any records relating to
9 a dismissal of the complaint or an informal adjustment of
10 the complaint shall not be inspected and the contents of
11 the records shall not be disclosed unless a petition to
12 adjudicate the juvenile a delinquent has been filed. Newly
13 created Code section 232.147A in the bill specifies when the
14 records relating to a dismissal of a complaint or an informal
15 adjustment of a complaint may be disclosed.

16 The amendment to Code section 232.147 specifies that
17 juvenile records containing a dismissal of a complaint or
18 an informal adjustment of a complaint, when no petition to
19 adjudicate the juvenile a delinquent has been filed based on
20 the complaint, shall be disclosed pursuant to newly created
21 Code section 232.147A in the bill. The amendment to Code
22 section 232.147 also makes conforming changes.

23 The bill establishes new Code section 232.147A concerning
24 the release of juvenile court records relating to the
25 dismissal of a complaint and an informal adjustment of a
26 complaint. Under the bill, if a complaint has been filed
27 against a juvenile but no petition to adjudicate the juvenile a
28 delinquent has been filed based on the complaint, the official
29 juvenile court records containing a dismissal of the complaint
30 or an informal adjustment of the complaint under Code section
31 232.29, shall not be inspected and the contents of the records
32 shall not be disclosed except under certain circumstances.
33 Current law and the bill require the intake officer in juvenile
34 court to disclose to the victim of the delinquent act, the name
35 and address of the child who committed the delinquent act, upon

1 the request of the victim.

2 The bill also specifies that the following shall have
3 access to the juvenile records relating to the dismissal of
4 a complaint and an informal adjustment of a complaint if no
5 petition to adjudicate is filed relating to the complaint:
6 the county attorney and the county attorney's designee;
7 the superintendent or superintendent's designee of a school
8 district, or the authorities in charge of an accredited
9 nonpublic school; a designee of the armed forces of the United
10 States; and the statistical analysis center pursuant to Code
11 section 216A.136.

12 The amendment to Code section 232.149 relates to the records
13 and files of a defendant transferred to juvenile court from
14 adult court under Code section 803.6. The bill specifies
15 that the records and files of the defendant transferred from
16 adult court to juvenile court are public records except that
17 criminal history data as defined in Code section 692.1(5),
18 intelligence data as defined in Code section 692.1(14),
19 and law enforcement investigatory files are subject to the
20 confidentiality provisions of Code section 22.7 and Code
21 chapter 692. The amendment to Code section 232.149 further
22 specifies that juvenile court social records, as defined in
23 Code section 232.2(31), shall be deemed confidential criminal
24 identification files under Code section 22.7(9). The amendment
25 to Code section 232.149 also specifies that the records of a
26 defendant transferred to juvenile court may be sealed under
27 Code section 232.150.

28 The amendment to Code section 915.25 specifies that a
29 complaint alleging a juvenile committed a delinquent act is not
30 a public record if no petition to adjudicate the juvenile a
31 delinquent has been filed based on the complaint.