

House File 2676 - Reprinted

HOUSE FILE _____
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:
4 TLSB 6286HV 81
5 jm/sh/8

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1 1 Section 1. Section 232.147, subsection 2, Code Supplement
1 2 2005, is amended to read as follows:
1 3 2. Official juvenile court records in cases alleging
1 4 delinquency, including complaints under section 232.28, shall
1 5 be public records, subject to ~~sealing under section 232.150~~
1 6 the following restrictions:
1 7 a. Official juvenile court records containing a petition
1 8 or complaint alleging delinquency filed prior to January 1,
1 9 2007, shall be public records subject to a confidentiality
1 10 order under section 232.149A or sealing under section 232.150.
1 11 b. Official juvenile court records containing a petition
1 12 or complaint alleging delinquency filed on or after January 1,
1 13 2007, shall be public records subject to a confidentiality
1 14 order under section 232.149A or sealing under section 232.150.
1 15 However, the official records shall not be available to the
1 16 public through the internet or in an electronic customized
1 17 data report unless the child has been adjudicated delinquent.
1 18 c. If the court has excluded the public from a hearing
1 19 under division II of this chapter, the transcript of the
1 20 proceedings shall not be deemed a public record and inspection
1 21 and disclosure of the contents of the transcript shall not be
1 22 permitted except pursuant to court order or unless otherwise
1 23 provided in this chapter.
1 24 d. Complaints under section 232.28 shall be released in
1 25 accordance with section 915.25. Other official juvenile court
1 26 records may be released under this section by a juvenile court
1 27 officer.
1 28 Sec. 2. NEW SECTION. 232.149A CONFIDENTIALITY ORDERS.
1 29 1. Notwithstanding any other provision of the Code to the
1 30 contrary, upon application of a person who was taken into
1 31 custody for a delinquent act or was the subject of a complaint
1 32 alleging delinquency or was the subject of a delinquency
1 33 petition, or upon the court's own motion, the court after
1 34 hearing, shall order official juvenile court records in the
1 35 case to be kept confidential and no longer public records
2 1 under sections 232.147 and 232.149, if the court finds both of
2 2 the following apply:
2 3 a. The case has been dismissed and the person is no longer
2 4 subject to the jurisdiction of the juvenile court.
2 5 b. Making the records confidential is in the best
2 6 interests of the person and the public.
2 7 2. The records subject to a confidentiality order may be
2 8 sealed at a later date if section 232.150 applies.
2 9 3. Official juvenile court records subject to a
2 10 confidentiality order may be inspected and their contents
2 11 shall be disclosed to the following without court order:
2 12 a. The judge and professional court staff, including
2 13 juvenile court officers.
2 14 b. The child and the child's counsel.
2 15 c. The child's parent, guardian or custodian, court
2 16 appointed special advocate, and guardian ad litem, and the
2 17 members of the child advocacy board created in section 237.16
2 18 or a local citizen foster care review board created in

2 19 accordance with section 237.19 who are assigning or reviewing
2 20 the child's case.
2 21 d. The county attorney and the county attorney's
2 22 assistants.
2 23 e. An agency, association, facility, or institution which
2 24 has custody of the child, or is legally responsible for the
2 25 care, treatment, or supervision of the child, including but
2 26 not limited to the department of human services.
2 27 f. A court, court professional staff, and adult probation
2 28 officers in connection with the preparation of a presentence
2 29 report concerning a person who had been the subject of a
2 30 juvenile court proceeding.
2 31 g. The child's foster parent or an individual providing
2 32 preadoptive care to the child.
2 33 4. Pursuant to court order, official juvenile court
2 34 records subject to a confidentiality order may be inspected by
2 35 and their contents may be disclosed to:
3 1 a. A person conducting bona fide research for research
3 2 purposes under whatever conditions the court may deem proper,
3 3 provided that no personal identifying data shall be disclosed
3 4 to such a person.
3 5 b. Persons who have a direct interest in a proceeding or
3 6 in the work of the court.
3 7 Sec. 3. Section 232.150, subsection 1, Code 2005, is
3 8 amended to read as follows:
3 9 1. Upon application of a person who was taken into custody
3 10 for a delinquent act or was the subject of a complaint
3 11 alleging delinquency or was the subject of a delinquency
3 12 petition, or upon the court's own motion, the court, after
3 13 hearing, shall order the official juvenile court records in
3 14 the case including those specified in sections 232.147 and
3 15 232.149 sealed if the court finds all of the following:
3 16 a. ~~Two~~ The person is eighteen years of age and two years
3 17 have elapsed since the final discharge of the person or since
3 18 the last official action in the person's case if there was no
3 19 adjudication and disposition.
3 20 b. The person has not been subsequently convicted of a
3 21 felony or an aggravated or serious misdemeanor or adjudicated
3 22 a delinquent child for an act which if committed by an adult
3 23 would be a felony, an aggravated misdemeanor or a serious
3 24 misdemeanor and no proceeding is pending seeking such
3 25 conviction or adjudication.
3 26 c. The person was not placed on youthful offender status,
3 27 transferred back to district court after the youthful
3 28 offender's eighteenth birthday, and sentenced for the offense
3 29 which precipitated the youthful offender placement.
3 30 However, if the person was adjudicated delinquent for an
3 31 offense which if committed by an adult would be an aggravated
3 32 misdemeanor or a felony, the court shall not order the records
3 33 in the case sealed unless, upon application of the person or
3 34 upon the court's own motion and after hearing, the court finds
3 35 that paragraphs "a" and "b" apply and that the sealing is in
4 1 the best interests of the person and the public.
4 2 HF 2676
4 3 jm:nh/es/25