

**House File 2443 - Reprinted**

HOUSE FILE 2443  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 668)

(As Amended and Passed by the House March 8, 2018)

**A BILL FOR**

1 An Act relating to the delinquency jurisdiction of the juvenile  
2 court and the confidentiality and disclosure of certain  
3 juvenile court records.

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

1 Section 1. Section 232.2, subsection 12, Code 2018, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* The violation of sections 716.7 and  
4 716.8, which is committed by a child.

5 Sec. 2. Section 232.2, Code 2018, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 32A. "*Juvenile diversion program*" means  
8 an organized effort to coordinate services for a child who  
9 is alleged to have committed a delinquent act, when the  
10 organized effort results in the dismissal of a complaint  
11 alleging the commission of the delinquent act or results in  
12 informally proceeding without a complaint being filed against  
13 the child, and which does not result in an informal adjustment  
14 agreement involving juvenile court services or the filing of  
15 a delinquency petition.

16 Sec. 3. Section 232.8, subsection 2, Code 2018, is amended  
17 to read as follows:

18 2. a. A case involving a person charged in a court other  
19 than the juvenile court with the commission of a public offense  
20 not exempted by law from the jurisdiction of the juvenile  
21 court and who is within the provisions of [subsection 1](#) of this  
22 section shall immediately be transferred to the juvenile court.  
23 The transferring court shall order a transfer and shall forward  
24 the transfer order together with all papers, documents and a  
25 transcript of all testimony filed or admitted into evidence  
26 in connection with the case to the clerk of the juvenile  
27 court. The jurisdiction of the juvenile court shall attach  
28 immediately upon the signing of an order of transfer. From the  
29 time of transfer, the custody, shelter care and detention of  
30 the person alleged to have committed a delinquent act shall be  
31 in accordance with the provisions of [this chapter](#) and the case  
32 shall be processed in accordance with the provisions of this  
33 chapter.

34 b. Upon completion of the transfer to juvenile court,  
35 the court shall file an order dismissing the charge in the

1 transferring court and directing the clerk of court to seal all  
2 records of the charge initiated in the transferring court.

3     Sec. 4. Section 232.44, subsection 1, paragraph a, Code  
4 2018, is amended to read as follows:

5     a. A hearing shall be held within ~~forty-eight hours,~~  
6 ~~excluding Saturdays, Sundays, and legal holidays,~~ two working  
7 days of the time of the child's admission to a shelter care  
8 facility, and within ~~twenty-four hours, excluding Saturdays,~~  
9 ~~Sundays, and legal holidays,~~ one working day of the time of a  
10 child's admission to a detention facility. If the hearing is  
11 not held within the time specified in this paragraph, except  
12 for good cause shown, the child shall be released from shelter  
13 care or detention.

14     Sec. 5. Section 232.147, Code 2018, is amended by adding the  
15 following new subsection:

16     NEW SUBSECTION. 1A. Official juvenile court records  
17 in all cases except those alleging delinquency shall be  
18 confidential and are not public records. Confidential records  
19 may be inspected and their contents shall be disclosed to the  
20 following without court order, provided that a person or entity  
21 who inspects or receives a confidential record under this  
22 subsection shall not disclose the confidential record or its  
23 contents unless required by law:

24     a. The judge and professional court staff, including  
25 juvenile court officers.

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

27     c. The child's parent, guardian or custodian, court  
28 appointed special advocate, and guardian ad litem, and  
29 the members of the child advocacy board created in section  
30 237.16 or a local citizen foster care review board created in  
31 accordance with section 237.19 who are assigning or reviewing  
32 the child's case.

33     d. The county attorney, the county attorney's assistants, or  
34 the attorney representing the state in absence of the county  
35 attorney.

1     *e.* An agency, individual, association, facility, or  
2 institution responsible for the care, treatment, or supervision  
3 of the child pursuant to a court order or voluntary placement  
4 agreement with the department of human services, juvenile  
5 officer, or intake officer.

6     *f.* A court, court professional staff, and adult probation  
7 officers in connection with the preparation of a presentence  
8 report concerning a person who prior thereto had been the  
9 subject of a juvenile court proceeding.

10    *g.* The child's foster parent or an individual providing  
11 preadoptive care to the child.

12    *h.* The state public defender.

13    *i.* The statistical analysis center for the purposes stated  
14 in section 216A.136.

15    *j.* The department of human services.

16    Sec. 6. Section 232.147, subsections 2 and 3, Code 2018, are  
17 amended to read as follows:

18    2. Official juvenile court records in all cases alleging  
19 the commission of a delinquent act except those alleging the  
20 commission of a delinquent act that would be a forcible felony  
21 if committed by an adult shall be confidential and are not  
22 public records. Unless an order sealing such confidential  
23 records in a delinquency proceeding has been entered pursuant  
24 to [section 232.150](#), confidential records may be inspected and  
25 their contents shall be disclosed to the following without  
26 court order, provided that a person or entity who inspects or  
27 receives a confidential record under this ~~section~~ subsection  
28 shall not disclose the confidential record or its contents  
29 unless required by law:

30    *a.* The judge and professional court staff, including  
31 juvenile court officers.

32    *b.* The child and the child's counsel.

33    *c.* The child's parent, guardian or custodian, court  
34 appointed special advocate, ~~and~~ guardian ad litem, and  
35 the members of the child advocacy board created in section

1 237.16 or a local citizen foster care review board created in  
2 accordance with [section 237.19](#) who are assigning or reviewing  
3 the child's case.

4 *d.* The county attorney, ~~and the county attorney's~~  
5 ~~assistants, or the attorney representing the state in absence~~  
6 ~~of the county attorney.~~

7 *e.* An agency, individual, association, facility, or  
8 ~~institution which has custody of the child, or is legally~~  
9 ~~responsible for the care, treatment, or supervision of the~~  
10 ~~child, including but not limited to the department of human~~  
11 ~~services pursuant to a court order or voluntary placement~~  
12 ~~agreement with the department of human services, juvenile court~~  
13 ~~officer, or intake officer.~~

14 *f.* A court, court professional staff, and adult probation  
15 officers in connection with the preparation of a presentence  
16 report concerning a person who prior thereto had been the  
17 subject of a juvenile court delinquency proceeding.

18 ~~*g.* The child's foster parent or an individual providing~~  
19 ~~preadoptive care to the child.~~

20 ~~*h.*~~ *g.* The state public defender.

21 *h.* The department of human services.

22 *i.* The department of corrections.

23 *j.* A judicial district department of correctional services.

24 *k.* The board of parole.

25 *l.* The superintendent or the superintendent's designee of  
26 the school district for the school attended by the child or  
27 the authorities in charge of an accredited nonpublic school  
28 attended by the child.

29 *m.* A member of the armed forces of the United States who is  
30 conducting a background investigation of an individual pursuant  
31 to federal law.

32 *n.* The statistical analysis center for the purposes stated  
33 in [section 216A.136](#).

34 *o.* A state or local law enforcement agency.

35 *p.* The alleged victim of the delinquent act.

1 g. An individual involved in the operation of a juvenile  
 2 diversion program, who may also receive from a state or local  
 3 law enforcement agency police reports and related information  
 4 that assist in the operation of the juvenile diversion program.

5 3. Official juvenile court records containing a petition  
 6 or complaint alleging the commission of a delinquent act that  
 7 would be a forcible felony if committed by an adult shall be  
 8 public records subject to a confidentiality order under section  
 9 232.149A or sealing under [section 232.150](#). However, such  
 10 official records shall not be available to the public or any  
 11 governmental agency through the internet or in an electronic  
 12 customized data report unless the child has been adjudicated  
 13 delinquent in the matter. However, such official juvenile  
 14 court records shall be disclosed through the internet or in  
 15 an electronic customized data report prior to the child being  
 16 adjudicated delinquent to the following without court order:

17 a. The judge and professional court staff, including  
 18 juvenile court officers.

19 b. The child and the child's counsel or guardian ad litem.

20 c. The child's parent, guardian or custodian,  
 21 court-appointed special advocate, guardian ad litem, and  
 22 the members of the child advocacy board created in section  
 23 237.16 or a local citizen foster care review board created in  
 24 accordance with section 237.19 who are assigning or reviewing  
 25 the child's case.

26 ~~e.~~ d. The county attorney, and the county attorney's  
 27 assistants, or the attorney representing the state in absence  
 28 of the county attorney.

29 ~~d.~~ e. A court, court professional staff, and adult  
 30 probation officers in connection with the preparation of a  
 31 presentence report concerning a person who prior thereto had  
 32 been the subject of a juvenile court proceeding.

33 f. An agency, individual, association, facility, or  
 34 institution responsible for the care, treatment, or supervision  
 35 of the child pursuant to a court order or voluntary placement

1 agreement with the department of human services, juvenile court  
2 officer, or intake officer.

3 ~~e.~~ g. A state or local law enforcement agency.

4 ~~f.~~ h. The state public defender.

5 ~~g.~~ i. The statistical analysis center for the purposes  
6 stated in [section 216A.136](#).

7 ~~h.~~ j. The department of human services.

8 ~~i.~~ k. The department of corrections.

9 ~~j.~~ l. A judicial district department of correctional  
10 services.

11 ~~k.~~ m. The board of parole.

12 n. The superintendent or the superintendent's designee of  
13 the school district for the school attended by the child or  
14 the authorities in charge of an accredited nonpublic school  
15 attended by the child.

16 o. A member of the armed forces of the United States who is  
17 conducting a background investigation of an individual pursuant  
18 to federal law.

19 p. The alleged victim of the delinquent act.

20 q. An individual involved in the operation of a juvenile  
21 diversion program, who may also receive from a state or local  
22 law enforcement agency police reports and related information  
23 that assist in the operation of the juvenile diversion program.

24 Sec. 7. Section 232.147, subsection 16, Code 2018, is  
25 amended to read as follows:

26 16. A provision in [this section](#) or [section 232.149A](#) shall  
27 not limit or prohibit individuals from performing any duties  
28 or responsibilities as required by [section 123.47B](#), [124.415](#),  
29 [232.47](#), ~~or~~ [232.49](#), or [321J.2B](#).

30 Sec. 8. Section 232.149, subsection 2, Code 2018, is amended  
31 to read as follows:

32 2. Records and files of a criminal or juvenile justice  
33 agency, an intake officer, or a juvenile court officer  
34 concerning a child involved in a delinquent act are  
35 confidential. The records are subject to sealing under section

1 232.150 unless the juvenile court waives its jurisdiction over  
2 the child so that the child may be prosecuted as an adult for  
3 a public offense. A criminal or juvenile justice agency may  
4 disclose to individuals involved in the operation of a juvenile  
5 diversion program police reports and related information that  
6 assist in the operation of the juvenile diversion program.

7 Sec. 9. Section 232.149, Code 2018, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 6. Notwithstanding subsections 2 and 5,  
10 information from such records and files may be disclosed by  
11 a juvenile justice agency, intake officer, or juvenile court  
12 officer, when making referrals for placement of the child, to  
13 an agency, individual, association, facility, or institution  
14 that will have physical custody of the child, or will become  
15 responsible for the care, treatment, or supervision of the  
16 child upon placement.

17 Sec. 10. Section 232.150, subsection 4, paragraph a, Code  
18 2018, is amended to read as follows:

19 a. All agencies and persons having custody of records which  
20 are named therein, shall send such records to the court issuing  
21 the order. Maintenance or destruction of these records shall  
22 be prescribed by the state court administrator.

23 Sec. 11. Section 232.151, Code 2018, is amended to read as  
24 follows:

25 **232.151 Criminal penalties.**

26 1. Any person who knowingly discloses, receives, or makes  
27 use or permits the use of information derived directly or  
28 indirectly from the records concerning a child referred to in  
29 sections 232.147 through 232.150, except as provided by those  
30 sections or **section 13B.4B, subsection 2**, paragraph "c", shall  
31 be guilty of a serious misdemeanor.

32 2. This section does not apply to a person or entity  
33 authorized to receive or inspect the contents of confidential  
34 official juvenile court records, or the confidential records  
35 of a criminal or juvenile justice agency, juvenile court

1 officer, or juvenile intake officer, when such person or entity  
2 discloses such information to another person or entity also  
3 authorized to receive or inspect the confidential information,  
4 or discloses to a witness or other interested person the date,  
5 time, and nature of a court proceeding concerning the child  
6 in order to secure the appearance of the witness or other  
7 interested person at the proceeding.

8     Sec. 12. Section 692.2, subsection 1, paragraph b, Code  
9 2018, is amended by adding the following new subparagraph:

10     NEW SUBPARAGRAPH. (7) Absent an order determining official  
11 juvenile court records to be public records entered pursuant  
12 to section 232.149B, adjudication and custody data that are  
13 deemed or ordered to be confidential pursuant to section  
14 232.147, 232.149, or 232.149A, or that are sealed by court  
15 order pursuant to section 232.150, shall not be provided  
16 by the department, except as necessary for the purpose of  
17 administering chapter 692A.

18     Sec. 13. Section 803.1, Code 2018, is amended by adding the  
19 following new subsection:

20     NEW SUBSECTION. 5. If it is determined that charges were  
21 erroneously filed in district court against an individual under  
22 the age of eighteen and the juvenile court holds exclusive  
23 jurisdiction, the court shall file an order dismissing the  
24 charge in district court and directing the clerk of court to  
25 seal all records of the charge initiated in district court.

26     Sec. 14. Section 803.6, subsection 4, Code 2018, is amended  
27 to read as follows:

28     4. If after the hearing the court transfers jurisdiction  
29 over the defendant to the juvenile court for the alleged  
30 commission of the public offense, the court shall forward the  
31 transfer order together with all papers, documents, and a  
32 transcript of all testimony filed or admitted into evidence in  
33 connection with the case to the clerk of the juvenile court in  
34 the same manner as provided in [section 232.8, subsection 2](#), and  
35 the clerk shall seal all records initiated in district court.