

1 SB321
2 205957-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 12-MAR-20

SYNOPSIS: Under existing law, law enforcement records of juveniles may not be released unless the charge of delinquency is transferred for criminal prosecution after a juvenile transfer hearing.

This bill would provide that law enforcement records of juveniles may be released if the juvenile is tried and convicted as an adult.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to juveniles; to amend Section 12-15-134, Code of Alabama 1975, to further provide when juvenile law enforcement records may be released; and to make nonsubstantive, technical revisions to update the existing code language to current style.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 12-15-134, Code of Alabama 1975,
3 is amended to read as follows:

4 "§12-15-134.

5 "(a) Law enforcement agencies shall take special
6 precautions to ensure that law enforcement records and files
7 concerning a child will be maintained in a manner and pursuant
8 to those safeguards that will protect against disclosure to
9 any unauthorized person, department, agency, or entity. Unless
10 a charge of delinquency is transferred for criminal
11 prosecution pursuant to Section 12-15-203, the child is tried
12 and convicted as an adult pursuant to Section 12-15-204, or
13 the juvenile court otherwise orders in the interests of the
14 child or of national security, the law enforcement records and
15 files with respect to the child shall not be open to public
16 inspection nor their contents disclosed to the public.

17 "(b) Law enforcement records and files described in
18 subsection (a) shall be open to inspection and copying by the
19 following:

20 "(1) A juvenile court having a child currently
21 before it in any proceeding.

22 "(2) Personnel of the Department of Human Resources,
23 the Department of Youth Services, public and private
24 institutions or agencies of which the child under the
25 jurisdiction of the juvenile court has been placed into the
26 legal custody, and those responsible for his or her
27 supervision after release.

1 "(3) Law enforcement officers of other jurisdictions
2 when necessary for the discharge of their current official
3 duties.

4 "(4) The probation and other professional staff of a
5 court in which the child is subsequently convicted of a
6 criminal offense or adjudicated as a youthful offender for the
7 purpose of a presentence report or other dispositional
8 proceedings, officials of penal institutions and other penal
9 facilities into which the child is placed, or a parole board
10 in considering his or her parole or discharge or in exercising
11 supervision over him or her.

12 "(5) The probation and other professional staff
13 serving a court handling criminal cases when investigating or
14 considering youthful offender applications.

15 "(6) The parent, except when parental rights have
16 been terminated, or legal guardian of the child and the
17 child's attorney and guardian ad litem.

18 "(7) The principal of the school in which the child
19 is enrolled, or the representative of the principal, upon
20 written petition to the juvenile court setting forth the
21 reasons why the safety or welfare, or both, of the school, its
22 students, or personnel necessitate production of the
23 information and without which the safety and welfare of the
24 school, its students, and personnel would be threatened.

25 "(c) Law enforcement records may be viewed by
26 victims during the investigation of a crime at the discretion
27 of the investigating officer.

1 "(d) All law enforcement agencies shall report to
2 the Alabama ~~Criminal Justice Information Center~~ State Law
3 Enforcement Agency that a child has been charged with an act
4 of delinquency along with any pertinent identifying
5 information or historical data concerning that child, when
6 either of the following occurs:

7 "(1) The child is taken into custody and charged
8 with an act of delinquency for an act which would constitute a
9 felony if committed by an adult.

10 "(2) The child is taken into custody and charged
11 with an act of delinquency for an act which would constitute a
12 misdemeanor, ~~according to subdivision (2) of Section 41-9-622~~
13 if committed by an adult.

14 "(e) Nothing in this section shall be construed to
15 prohibit or otherwise limit counsel from disclosing
16 confidential law enforcement records relating to a client as
17 needed to investigate the case of the client or prepare a
18 defense for that client, provided that the disclosure is in
19 furtherance of counsel's representation of the party.

20 "(f) Except as provided in this section, ~~whoever~~ any
21 person who directly or indirectly discloses ~~or~~ or makes use of, or
22 or knowingly permits the use of information described in this
23 section that identifies a child, or the family of a child, who
24 is or was under the jurisdiction of the juvenile court, upon
25 conviction ~~thereof~~, shall be guilty of a Class A misdemeanor
26 under the jurisdiction of the juvenile court."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.