

Rep(s). By Representatives Newton (C) and Black (M)

HB477

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 12-15-100 and 15-19-7 of the Code of Alabama 1975, relating to juvenile and youthful offender records; to provide that juvenile and youthful offender records shall be made available to judges, prosecutors, victim service officers, probation and parole officers, and court personnel for completing the worksheets required for the implementation of sentencing standards; and provide penalties for wrongful disclosure.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-15-100 and 15-19-7 of the Code of Alabama 1975, are amended to read as follows:

§12-15-100.

"(a) Social, medical, and psychiatric or psychological records, including reports of preliminary inquiries and predisposition studies, of delinquent, in need of supervision and dependent children, including supervision records of such children, shall be filed separate from other files and records of the court and shall be open to inspection and copying, only by the following:

"(1) The judge and probation officers and professional staff assigned to serve the court.

"(2) Representatives of a public or private agency or department providing supervision or having legal custody of the child.

"(3) Any other person or agency that the juvenile court determines, after a hearing has a legitimate interest in the case or in the work of the court.

"(4) The probation and other professional staff assigned to serve a criminal court, including the judge, prosecutor, and the attorney for the defendant, for use in completing sentencing standards worksheets and considering the sentence to be imposed upon a convicted person charged with a criminal offense, or one adjudicated a youthful offender, ~~who, prior thereto, had been a party to the proceedings in court.~~

"(5) The probation and other professional staff assigned to serve a criminal court when investigating or considering youthful offender applications.

"(6) The parent of the child, except when parental rights have been terminated, or guardian and the counsel and the guardian ad litem of the child.

"(7) The principal of the school in which the child is enrolled, or the representative of the principal, and other school officials as the principal deems necessary, upon written petition to the juvenile court setting forth the reasons why the safety or welfare, or both, of the school, its

students, or personnel, necessitate production of the information and without which the safety and welfare of the school, its students, and personnel, would be threatened.

"(b) All or any part of the records enumerated in subsection (a) or information secured from the records, when presented to and used by the judge in court or otherwise in a proceeding under this chapter, shall also be made available to the parties to the proceedings and their counsel and representatives.

"(c) All other court records, including the docket, petitions, motions, and other papers filed with a case, transcripts of testimony, findings, verdicts, orders, and decrees shall be open to inspection by those persons and agencies designated in subsections (a) and (b).

"(d) Petitions, motions, court notices, or dispositions shall be open to inspection by the victim or the victim's representatives.

"(e) The access to court records provided in subsection (a) shall not be limited to the jurisdiction of the inquiring judge or prosecutor, but shall be available statewide.

~~"(e)~~ (f) Whoever, except for the purposes permitted and in the manner provided by this section, discloses or makes use of or knowingly permits the use of information concerning a child before the court directly or indirectly derived from the records of the court or acquired in the course of official duties, upon conviction thereof, shall be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

§15-19-7.

"(a) No determination made under the provisions of this chapter shall disqualify any youth for public office or public employment, operate as a forfeiture of any right or privilege or make him ineligible to receive any license granted by public authority, and such determination shall not be deemed a conviction of crime; provided, however, that if he is subsequently convicted of crime, the prior adjudication as youthful offender shall be considered.

"(b) The fingerprints and photographs and other records of a person adjudged a youthful offender shall not be open to public inspection; provided, however, that such records shall be made available to all judges, prosecutors, victim service officers, probation and parole officers, and court personnel for the purpose of completing the worksheets required for sentencing standards and the court may, in its discretion, permit the inspection of papers or records by others. A wrongful disclosure of the records is a Class A misdemeanor."

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Crimes and Offenses

Criminal Law and Procedure

Records

Juveniles

Youthful Offenders

Children

Minors

Judge, Circuit

Court, Juvenile

Pardons and Paroles

Code Amended