

FIRST REGULAR SESSION

HOUSE BILL NO. 504

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIXON, SKAGGS, HOLAND, TAYLOR, MAYER, VIEBROCK,
WOOD (Co-sponsors), RUESTMAN, SELBY, McKENNA, WAGNER, DAUS, VILLA, GREEN,
BOUGH AND SANDER.

Read 1st time February 18, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1525L.011

AN ACT

To repeal section 211.321, RSMo, and to enact in lieu thereof one new section relating to juvenile court records.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 211.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.321, to read as follows:

211.321. 1. Juvenile court proceedings on the formal calendar and preliminary hearings shall be open to the public. The court, on motion of a party or a victim, may close the proceedings to the public during the testimony of a child or during the testimony of the victim to protect the welfare of either person. In making such a determination, the court shall consider the nature of the proceedings, the age and maturity of the witness, and the preference of the witness, and the preference of the parent if the witness is a child, that the proceedings be open or closed.

2. A record of the proceedings on the formal calendar shall be made and preserved by stenographic recording or by mechanical or electronic recording as provided by law or court rule. A record of other hearings may be made and preserved by a written memorandum executed by the judge setting forth findings and procedures followed.

3. Records of the juvenile court other than confidential files shall be open to the general public. Only persons who are found by the court to have a legitimate interest shall be allowed access to the confidential files. In determining whether a person has a

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

15 **legitimate interest, the court shall consider the nature of the proceedings, the welfare and**
16 **safety of the public, and the interest of the minor.**

2 [211.321. 1. Records of juvenile court proceedings as well as all information
3 obtained and social records prepared in the discharge of official duty for the court
4 shall not be open to inspection or their contents disclosed, except by order of the
5 court to persons having a legitimate interest therein, unless a petition or motion to
6 modify is sustained which charges the child with an offense which, if committed by
7 an adult, would be a class A felony under the criminal code of Missouri, or capital
8 murder, first degree murder, or second degree murder or except as provided in
9 subsection 2 of this section. In addition, whenever a report is required under section
10 557.026, RSMo, there shall also be included a complete list of certain violations of
11 the juvenile code for which the defendant had been adjudicated a delinquent while
12 a juvenile. This list shall be made available to the probation officer and shall be
13 included in the presentence report. The violations to be included in the report are
14 limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary
15 or any acts involving the rendering or threat of serious bodily harm. The supreme
16 court may promulgate rules to be followed by the juvenile courts in separating the
17 records.

18 2. In all proceedings under subdivisions (1) and (2) of subsection 1 of section
19 211.031, the records of the juvenile court as well as all information obtained and
20 social records prepared in the discharge of official duty for the court shall be kept
21 confidential and shall be open to inspection only by order of the judge of the juvenile
22 court or as otherwise provided by statute. In all proceedings under subdivision (3)
23 of subsection 1 of section 211.031 the records of the juvenile court as well as all
24 information obtained and social records prepared in the discharge of official duty for
25 the court shall be kept confidential and may be open to inspection without court order
26 only as follows:

27 (1) The juvenile officer is authorized at any time:

28 (a) To provide information to or discuss matters concerning the child, the
29 violation of law or the case with the victim, witnesses, officials at the child's school,
30 law enforcement officials, prosecuting attorneys, any person or agency having or
31 proposed to have legal or actual care, custody or control of the child, or any person
32 or agency providing or proposed to provide treatment of the child. Information
33 received pursuant to this paragraph shall not be released to the general public, but
34 shall be released only to the persons or agencies listed in this paragraph;

35 (b) To make public information concerning the offense, the substance of the
36 petition, the status of proceedings in the juvenile court and any other information
37 which does not specifically identify the child or the child's family;

38 (2) After a child has been adjudicated delinquent pursuant to subdivision (3)
39 of subsection 1 of section 211.031, for an offense which would be a felony if
40 committed by an adult, the records of the dispositional hearing and proceedings
41 related thereto shall be open to the public to the same extent that records of criminal
proceedings are open to the public. However, the social summaries, investigations

42 or updates in the nature of presentence investigations, and status reports submitted
43 to the court by any treating agency or individual after the dispositional order is
44 entered shall be kept confidential and shall be opened to inspection only by order of
45 the judge of the juvenile court;

46 (3) As otherwise provided by statute;

47 (4) In all other instances, only by order of the judge of the juvenile court.

48 3. Peace officers' records, if any are kept, of children shall be kept separate
49 from the records of persons seventeen years of age or over and shall not be open to
50 inspection or their contents disclosed, except by order of the court. This subsection
51 does not apply to children who are transferred to courts of general jurisdiction as
52 provided by section 211.071 or to juveniles convicted under the provisions of
53 sections 578.421 to 578.437, RSMo. This subsection does not apply to the inspection
54 or disclosure of the contents of the records of peace officers for the purpose of
55 pursuing a civil forfeiture action pursuant to the provisions of section 195.140,
56 RSMo.

57 4. Nothing in this section shall be construed to prevent the release of
58 information and data to persons or organizations authorized by law to compile
59 statistics relating to juveniles. The court shall adopt procedures to protect the
60 confidentiality of children's names and identities.

61 5. The court may, either on its own motion or upon application by the child
62 or his representative, or upon application by the juvenile officer, enter an order to
63 destroy all social histories, records, and information, other than the official court file,
64 and may enter an order to seal the official court file, as well as all peace officers'
65 records, at any time after the child has reached his seventeenth birthday if the court
66 finds that it is in the best interest of the child that such action or any part thereof be
67 taken, unless the jurisdiction of the court is continued beyond the child's seventeenth
68 birthday, in which event such action or any part thereof may be taken by the court at
69 any time after the closing of the child's case.

70 6. Nothing in this section shall be construed to prevent the release of general
71 information regarding the informal adjustment or formal adjudication of the
72 disposition of a child's case to a victim or a member of the immediate family of a
73 victim of any offense committed by the child. Such general information shall not be
74 specific as to location and duration of treatment or detention or as to any terms of
75 supervision.

76 7. Records of juvenile court proceedings as well as all information obtained
77 and social records prepared in the discharge of official duty for the court shall be
78 disclosed to the child fatality review panel reviewing the child's death pursuant to
79 section 210.192, RSMo, unless the juvenile court on its own motion, or upon
80 application by the juvenile officer, enters an order to seal the records of the victim
81 child.]