

SECOND REGULAR SESSION

# HOUSE BILL NO. 2132

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor) AND BRINGER (Co-sponsor).

Read 1st time February 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4578L.01I

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### AN ACT

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

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Section A. Section 211.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.321, to read as follows: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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

33           (2) After a child has been adjudicated delinquent pursuant to subdivision (3) of  
34 subsection 1 of section 211.031, for an offense which would be a felony if committed by an  
35 adult, the records of the dispositional hearing and proceedings related thereto shall be open to  
36 the public to the same extent that records of criminal proceedings are open to the public.  
37 However, the social summaries, investigations or updates in the nature of presentence  
38 investigations, and status reports submitted to the court by any treating agency or individual after  
39 the dispositional order is entered shall be kept confidential and shall be opened to inspection only  
40 by order of the judge of the juvenile court;

41           (3) As otherwise provided by statute;

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

43           3. Peace officers' records, if any are kept, of children shall be kept separate from the  
44 records of persons seventeen years of age or over and shall not be open to inspection or their  
45 contents disclosed, except by order of the court. **[This] However, a law enforcement agency**  
46 **that maintains records of children may communicate information contained in those**  
47 **records, including the identity or other relevant information pertaining to that child, to**  
48 **another law enforcement agency by letter, memorandum, teletype, or intelligence alert**  
49 **bulletin or other means. Any information shared between law enforcement agencies under**  
50 **this subsection shall remain confidential.**

51       **4.** Subsection **3 of this section** does not apply to children who are transferred to courts  
52 of general jurisdiction as provided by section 211.071 or to juveniles convicted under the  
53 provisions of sections 578.421 to 578.437, RSMo. This subsection does not apply to the  
54 inspection 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, RSMo.

56       [4.] **5.** Nothing in this section shall be construed to prevent the release of information and  
57 data to persons or organizations authorized by law to compile statistics relating to juveniles. The  
58 court shall adopt procedures to protect the confidentiality of children's names and identities.

59       [5.] **6.** The court may, either on its own motion or upon application by the child or his  
60 representative, or upon application by the juvenile officer, enter an order to destroy all social  
61 histories, records, and information, other than the official court file, and may enter an order to  
62 seal the official court file, as well as all peace officers' records, at any time after the child has  
63 reached his seventeenth birthday if the court finds that it is in the best interest of the child that  
64 such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond  
65 the child's seventeenth birthday, in which event such action or any part thereof may be taken by  
66 the court at any time after the closing of the child's case.

67       [6.] **7.** Nothing in this section shall be construed to prevent the release of general  
68 information regarding the informal adjustment or formal adjudication of the disposition of a  
69 child's case to a victim or a member of the immediate family of a victim of any offense  
70 committed by the child. Such general information shall not be specific as to location and  
71 duration of treatment or detention or as to any terms of supervision.

72       [7.] **8.** Records of juvenile court proceedings as well as all information obtained and  
73 social records prepared in the discharge of official duty for the court shall be disclosed to the  
74 child fatality review panel reviewing the child's death pursuant to section 210.192, RSMo, unless  
75 the juvenile court on its own motion, or upon application by the juvenile officer, enters an order  
76 to seal the records of the victim child.

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