

SECOND REGULAR SESSION

HOUSE BILL NO. 2697

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPARKS.

5643H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 211.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.321, to read as follows: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. 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 **or** 3 of this section. In addition, whenever a report is required under section 557.026, 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.

2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and shall be open to

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.

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
27 actual care, custody or control of the child, or any person or agency providing or proposed to
28 provide treatment of the child. Information received pursuant to this paragraph shall not be
29 released to the general public, but shall be released only to the persons or agencies listed in
30 this paragraph;

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

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

42 (3) As otherwise provided by statute;

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

44 **3. The name and photograph of a child may be released to the public if the child**
45 **escapes from the custody of a juvenile detention facility while the child is in the custody**
46 **of the juvenile detention facility for an offense that would be considered a dangerous**
47 **felony, as defined in section 556.061, if committed by an adult.**

48 **4.** Peace officers' records, if any are kept, of children shall be kept separate from the
49 records of persons eighteen years of age or over and shall not be open to inspection or their
50 contents disclosed, except by order of the court. This subsection does not apply to children
51 who are transferred to courts of general jurisdiction as provided by section 211.071 or to
52 juveniles convicted under the provisions of sections 578.421 to 578.437. This subsection
53 does not apply to the inspection or disclosure of the contents of the records of peace officers

54 for the purpose of pursuing a civil forfeiture action pursuant to the provisions of section
55 195.140.

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

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

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

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

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