
DIGEST

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HB 514 Original

2017 Regular Session

Armes

Abstract: Provides relative to the confidentiality and expungement of juvenile records.

Present law requires the La. Bureau of Criminal Identification and Information bureau to issue rules and regulations, consistent with the U.S. Dept. of Justice requirements, governing the maintenance of privacy and security of criminal history records.

Proposed law requires the bureau to issue rules and regulations governing the maintenance of privacy and security of juvenile records, and requires all rules and regulations in this regard to be consistent with La. laws and constitution.

Present law requires state police to remove all records and identifiable information in the data base or data bank pertaining to the person and to destroy all samples from the person upon receipt of a written request for the removal.

Proposed law adds juvenile records to this present law requirement and further provides that juvenile records are not responsive to any requests for a background check.

Present law provides that all records and reports concerning all matters or proceedings before the juvenile court, except for traffic violations, are confidential and shall not be disclosed except as expressly authorized. Present law further provides that when such information is relevant and necessary to the performance of an individuals duties and enhances services to the child or his family, the court is authorized to release the records, reports, or certain information contained in the records and reports, to appropriate individuals.

Proposed law amends present law to provide that the court may authorize the release of the records, reports, or certain information contained in the records or reports, to appropriate individuals only when they are providing services to the child whose records are disclosed during the pendency of the matter.

Present law provides that when the information contained in a record or report is necessary to a specific investigation or proceeding, the court may order the release of individual records and reports, or certain information contained therein, to a petitioner, for the specific purpose for which the court authorizes release.

Proposed law retains present law and requires the juvenile court to provide notice to the juvenile and his attorney of the petition and an opportunity to object. Proposed law also requires the court to hold

a hearing on the petition if requested by the petitioner or juvenile, and requires the petition to state the reason for requesting the information, the use of the information, and the names of the persons who will have access to the information.

Present law authorizes the district attorney or the court to release to the victim of a delinquent act constituting a crime of violence, or to the victim's legal representative or designated family member, certain information contained in the predisposition report to the court.

Proposed law requires each person, other than the juvenile who is the subject of the record, his parents, and his attorney, to whom a juvenile record or information from a juvenile record is to be disclosed, to execute a nondisclosure agreement relative to the record or information.

Present law authorizes the release of certain reports and records concerning juvenile court proceeding to the sentencing judge for purposes of sentencing and to the district attorney for purposes of charging the offender as a habitual offender.

Proposed law deletes the requirement that the reports and records be released to the district attorney.

Proposed law provides that it is the duty of the person's attorney to inform the person of the consequences of being adjudicated delinquent, the definition of expungement, and the timelines for expungement.

Present law provides relative to the expungement of juvenile records.

Proposed law amends the grounds and requirements for obtaining an expungement relative to the following:

- (1) Records concerning conduct that did not result in an adjudication and those for certain offenses related to sexual exploitation.
- (2) Records concerning conduct that resulted in delinquency adjudication.
- (3) Records concerning an adjudication for murder, manslaughter, certain sex offenses, kidnapping, or armed robbery.

Proposed law provides that there are no costs for filing a petition requesting an expungement of a juvenile record, for the court to issue an order of expungement, or for agencies to physically expunge the records.

Proposed law provides for and requires the use of forms for filing a motion, setting a contradictory hearing, and ordering the expungement of juvenile reports and records. Further provides a form for filing an affidavit of response to a motion for expungement.

(Amends R.S. 15:579, 593, and 614(B), and Ch.C. Arts. 412(A), (D)(intro. para.), (9), and (10), (E), (G)(4), (H), (I), (J), and (K), 414(A), 917, 918, 919(A), (B), (E), and (F), 920(A), 921(A)(intro.

para.) and (D), and 922; Adds R.S. 15:614(C) and Ch.C. Arts. 405(H), 412(L) and (M), 901(G) and (H), 924, and 925); Repeals Ch.C. Art. 412(D)(11) and (12)