

ENGROSSED HOUSE
BILL NO. 1716

BY: JOHNSON (Rob), VAUGHN
(Ray), GREENWOOD,
COLEMAN and MADDUX
(Elmer)

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1981,
SECTION 1127, AS LAST AMENDED BY SECTION 3, CHAPTER
337, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTION
1127), WHICH RELATES TO RECORDS AND FINGERPRINTS OF
CHILDREN; AUTHORIZING LAW ENFORCEMENT AGENCIES TO
FINGERPRINT CHILDREN IN CERTAIN CIRCUMSTANCES;
PROVIDING PURPOSES; AND PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1981, Section 1127, as
last amended by Section 3, Chapter 337, O.S.L. 1990 (10 O.S. Supp.
1990, Section 1127), is amended to read as follows:

Section 1127. (a) A record of any child under this act, or any
evidence given in such cause, shall not in any civil, criminal or
other cause or proceeding in any court be lawful or proper evidence
against the child for any purpose whatever, except in subsequent
cases against the same child under this act. The records of law
enforcement officers concerning juveniles shall be maintained
separate from records of arrests, and shall not be open to public
inspection, or their contents disclosed, except by order of the
court.

(b) If latent fingerprints are found during the investigation of an offense, a law enforcement officer may fingerprint a child for the purpose of comparing his fingerprints with the latent fingerprints, and the fingerprints may be sent to a law enforcement agency for comparison purposes only. If the comparison is negative or if the court finds that the child did not commit the alleged offense, the child's fingerprint card and all copies of his fingerprints shall be destroyed immediately after the juvenile proceeding is completed unless the child is reported to a law enforcement agency as a missing child or a custodial parent, legal guardian or legal custodian of the child requests issuance of the fingerprint card to the parent, legal guardian, or legal custodian to advance the purposes of the Oklahoma Minor Identification Act, Sections 1629 et seq. of this title, in which case the fingerprint card shall be issued according to said request. If the child is reported to a law enforcement agency as a missing child, and only until the child is located, his fingerprints may be retained pursuant to the provisions of this section. If the court finds that the child committed the alleged offense, or if the commission of the offense is admitted or not contested by the juvenile and his parents pursuant to an informal adjustment, deflection or diversion of the referral, his fingerprints may be retained either in a central state depository or in a local district court file which local depository may be a duly constituted law enforcement agency or agencies designated by the presiding judge of the juvenile docket. Fingerprints obtained and maintained pursuant to this ~~section~~ subsection or pursuant to the Oklahoma Minor Identification Act, but in the later case only with the voluntary and informed consent of the parent, legal guardian or legal custodian of the child may be used only by law enforcement officers for comparison purposes in connection with the investigation of a crime or to establish

identity in instances of death, serious illness, runaways, or emergency.

(c) If a child is charged with a violation of a misdemeanor or felony, the law enforcement agency which apprehended the child may fingerprint the right index finger of the child or take a partial set of fingerprints of the child for placement on the arrest report for identification purposes only and for use only by law enforcement officers for comparison purposes in connection with the investigation of a crime or to establish identity in instances of death, serious illness, runaways, or emergency.

(d) No adjudication by the court upon the status of a child in a juvenile proceeding shall operate to impose any of the civil disabilities ordinarily resulting from conviction of a crime, nor shall a child be deemed a criminal by reason of such adjudication, nor shall any arrest or detention under this chapter or any adjudication in a juvenile proceeding be deemed a detention or an arrest or conviction for purposes of employment, civil rights, or any statute, regulation, license, questionnaire, application, or any other public or private purposes; provided, however, that nothing herein shall prevent an adjudication in a juvenile proceeding (1) from being considered in connection with the sentencing of said child should he be convicted in a criminal action after he has become an adult, or (2) from being used to show the bias, if any, of the child should he be a witness in any civil or criminal action either while a child or after he has become an adult.

~~(d)~~ (e) Subsections (a) ~~and~~, (b) and (c) of this section shall not apply to the use, confidentiality and disposition of the records and fingerprints of a person who is sixteen (16) or seventeen (17) years old and charged with one of the crimes enumerated in Section 1104.2 of this title.

SECTION 2. This act shall become effective September 1, 1991.

Passed the House of Representatives the 12th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate