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SHORT TITLE: Juvenile records; making youthful offender records open to the public; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1112

By: Horner

AS INTRODUCED

An Act relating to juvenile records; amending Section 177, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.1), which relates to court records; amending Section 178, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.2), which relates to confidential records; amending Section 179, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.3), which relates to inspection of records; amending Section 180, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.4), which relates to inspection of records without court order; amending Section 181, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.5), which relates to Department of Juvenile Justice records; amending 10 O.S. 1991, Section 1125.3, as amended by Section 182, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.6), which relates to fingerprint records; amending 10 O.S. 1991, Section 1125.4, as last amended by Section 183, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.7), which relates to sealing of juvenile records; modifying references; making youthful offender records open to the public; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 177, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.1), is amended to read as follows:

Section 7307-1.1 A. The court shall make and keep records of all cases brought before the court pursuant to the Oklahoma Juvenile Code, Section 7301-1.1 et seq. of this title. The court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required.

B. As used in the Oklahoma Juvenile Code:

1. "Records" shall include but not be limited to written or printed documents, papers, logs, reports, files, case notes, films, photographs, audio or visual tape recordings, and shall include information entered into and maintained in an automated or computerized information system;

2. "Juvenile court record" means legal and social records other than adoption records, including but not limited to agency, law enforcement and district attorney's records, filed with the court that are related to a child who is the subject of a court proceeding pursuant to the Oklahoma Juvenile Code;

3. "Agency record" means records prepared, obtained or maintained by a public or private agency with regard to a child who is or has been under its care, custody or supervision or to a family member or other person living in the home of such child and shall include but not be limited to:

- a. any study, plan, recommendation, assessment or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care or treatment of such child, or
- b. any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is a delinquent child or a child in need of supervision;

4. "District attorney's records" means any records prepared or obtained by an office of a district attorney relating to juvenile cases and any records prepared or obtained for the prosecution of crimes against children that constitute a legal or social record of a child;

5. "Law enforcement records" means any contact, incident or similar reports, arrest records, disposition records, detention records, fingerprints, or photographs related to a child and shall include but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to determine whether a child is or may be subject to the provisions of this chapter as a delinquent child or a child in need of supervision. Law enforcement records pertaining to juveniles shall be maintained separately from records pertaining to adults;

6. "Nondirectory education records" means any records maintained by a public or private school, including a vocational-technical school, regarding a child who is or has been a student at the school which are categorized as private or confidential records pursuant to the federal Family Educational Rights and Privacy Act of 1974, Sections 1221 and 1232 of Title 20 of the United States Code Annotated, and any rules promulgated pursuant to said act;

7. "Legal record" means any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court;

8. "Social record" means social studies and medical, psychological, clinical or other treatment reports or studies, educational records and agency records other than legal records filed with the court; and

9. "Participating agency" means any public or private agency that has entered into a contract or an interagency agreement under the Interlocal Cooperation Act, Section 1001 et seq. of Title 74 of the Oklahoma Statutes, in accordance with the rules and guidelines adopted pursuant to Section 620.6 of this title or the Serious and Habitual Juvenile Offender Act, Section 7302-9.1 of this title, for

the purpose of accessing and sharing information necessary for the care, treatment, and supervision of children and youth.

SECTION 2. AMENDATORY Section 178, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.2), is amended to read as follows:

Section 7307-1.2 A. Except as provided by this section and except as otherwise specifically provided by state and federal laws, the following records are confidential and shall not be open to the general public or inspected or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records; and
6. Social records.

B. The limitation of subsection A of this section shall not apply to statistical information and information of a general nature obtained pursuant to the provisions of the Oklahoma Juvenile Code, Section 7301-1.1 et seq. of this title.

C. 1. The confidentiality restrictions required by subsection A of this section for juvenile court records and law enforcement records shall not apply:

- a. upon the certification of a juvenile as an adult pursuant to Section 7303-4.3 of Title 10 of the Oklahoma Statutes,
- b. upon the charging of an individual as an adult pursuant to Section 7306-1.1 of ~~Title 10 of the Oklahoma Statutes~~ this title,
- c. to a violation, by a child fourteen (14) or more years of age, of any provision of Title 47 of the Oklahoma

Statutes or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind in this state,

- d. ~~to a juvenile who has been previously adjudicated delinquent and who is subsequently adjudicated delinquent after July 1, 1995~~ upon the charging of an individual pursuant to the Youthful Offender Act, Sections 7306-2.1 et seq. of this title, or
- e. to a juvenile adjudicated a delinquent for committing a delinquent act which, if committed by an adult, would be a felony offense that is a crime against the person or a felony offense involving a dangerous weapon.

2. The court having jurisdiction shall note on the juvenile court record of such juvenile offenders that said records are no longer confidential.

3. The provisions of this subsection shall only apply to the juvenile court records and law enforcement records of juvenile offenders certified, charged or adjudicated on and after July 1, 1995.

D. When a delinquent child has escaped or run away from a training school or other institutional placement for delinquents, the name and description of the child may be released to the public by the agency having custody of the child as necessary and appropriate for the protection of the public and the apprehension of the child.

E. Except as authorized by state or federal law, the records listed in subsection A of this section shall be confidential and

shall be inspected, released, disclosed, corrected or expunged only pursuant to an order of the court. Except as otherwise provided in Section 601.6 of ~~Title 10 of the Oklahoma Statutes~~ this title or this article, no subpoena or subpoena duces tecum purporting to compel disclosure of such information or record shall be valid.

F. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

1. Except for district attorney records, any order authorizing the disclosure, release or inspection of said records pursuant to this subsection may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

2. Upon the filing of a petition for an order of the court pursuant to this section, the court shall set a date for a hearing and shall provide for reasonable notice to the agency holding the records and the person who is the subject of the record if said person is eighteen (18) years of age or older or to the parents of a child less than age eighteen (18) who is the subject of the record, to the attorneys, if any, of such person, child or parents and any other interested party as ordered by the court. The hearing may be closed at the discretion of the court.

G. Any agency or person may seek an order from the juvenile court prohibiting the release of information subject to disclosure without an order of the court pursuant to Sections 620.6 of Title 10 of the Oklahoma Statutes and this article. The court may, for good

cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

H. In accordance with the provisions of the Serious and Habitual Juvenile Offender Act, Section 7302-9.1 et seq. of this title, and Section 620.6 of ~~Title 10 of the Oklahoma Statutes~~ this title:

1. Information included in the records listed in subsection A of this section may be entered in and maintained in the Juvenile Justice Information System and other automated information systems related to services to children and youth; and

2. Said information systems may be accessed by participating agencies as defined by this article or as otherwise provided by this section.

I. The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research purposes. Such authorization shall be in writing and state specifically the type of information which may be reviewed.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of juveniles, parents and such other persons required by the court to be confidential will remain confidential.

J. Nothing in Section 620.6 of ~~Title 10 of the Oklahoma Statutes~~ this title or this article shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with federal

funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of information required to be kept confidential by Sections 55.1, 57, 60.17 or 60.29 of ~~Title 10 of the Oklahoma Statutes~~ this title;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a juvenile proceeding to records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency;

6. Prohibiting the Department of Juvenile Justice from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or neglect; and

7. Prohibiting the person or agency conducting a preliminary inquiry relating to an alleged delinquent act from providing information, as to the disposition of the matter by the district attorney, to the person or agency which referred the matter, including but not limited to whether a petition was filed or an alternative action taken, and the basis for such and the terms of any agreement entered into by the child for payment of restitution, including but not limited to community services.

SECTION 3. AMENDATORY Section 179, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.3), is amended to read as follows:

Section 7307-1.3 A. In accordance with the rules adopted for such purpose pursuant to the Serious and Habitual Juvenile Offender Act, Section 7302-9.1 et seq. of this title, and Section 620.6 of ~~Title 10 of the Oklahoma Statutes~~ this title, the records listed in subsection A of Section 7307-1.2 of ~~Title 10 of the Oklahoma Statutes~~ this title may be inspected and their contents disclosed without a court order to:

1. Participating agencies;
2. The following, provided that the inspection of records and disclosure authorized by this paragraph may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure:
 - a. pursuant to the provisions of this title, a person, agency, hospital or clinic authorized or directed by the court or the Department of Juvenile Justice to care for, treat, examine, evaluate or supervise a child or to treat, examine or evaluate the parent, legal guardian or other adult person living in the home of the child,
 - b. a legally recognized school that is not a participating agency in which the child who is the subject of the record is currently enrolled, and
 - c. individuals or agencies engaged in legitimate research for educational, scientific or public purposes or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose.

B. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The

use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 4. AMENDATORY Section 180, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.4), is amended to read as follows:

Section 7307-1.4 A. Juvenile court records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The judge having the child currently before the court in any proceeding pursuant to the Oklahoma Juvenile Code, Sections 7301-1.1 et seq. of this title, any judge of the district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court;

2. Members of review boards established pursuant to Sections 1116.2 and 1116.6 of ~~Title 10 of the Oklahoma Statutes~~ this title. In addition to juvenile court records, members of such review boards may inspect, without a court order, information including but not be limited to:

- a. psychological and medical records,
- b. placement history and information, including the names and addresses of foster parents,
- c. family assessments,
- d. treatment or service plans, and
- e. school records;

3. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this chapter;

4. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this chapter. Said attorney may also access other records listed in subsection A of Section 7307-1.2 of ~~Title 10 of the Oklahoma Statutes~~ this title for use in the legal representation of the child;

5. Employees of juvenile bureaus in the course of their official duties and employees of the Department of Juvenile Justice in the course of their official duties;

6. Employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under eighteen (18) years of age. Records or information disclosed pursuant to this paragraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation; provided, records pertaining to any alleged or adjudicated abuse or neglect of the person shall not be inspected or disclosed;

7. The Oklahoma Commission on Children and Youth;

8. The Department of Juvenile Justice or other public or private agency or individual having court-ordered custody or custody pursuant to Department of Juvenile Justice placement of the child who is the subject of the record;

9. The Department of Human Services;

10. The child who is the subject of the record and the parents, legal guardian, legal custodian or foster parent of said child; and

11. A federally recognized Indian tribe in which the child who is the subject of the record is a member or is eligible to become a

member of the tribe and is the biological child of a member of an Indian tribe pursuant to the Federal Indian Child Welfare Act, P.L. 95-608, Section 1901 et seq. of Title 25 of the United States Code Annotated, and the Oklahoma Indian Child Welfare Act, Section 40 et seq. of this title; provided such Indian tribe, in the course of its official duties, is:

- a. investigating a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody, or
- b. providing services to or for the benefit of a child including but not limited to protective, emergency, social and medical services, or
- c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this subsection shall include all case records, reports and documents as defined in this article;

12. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services; and

13. The chairman of any standing or special committee of the Legislature where a subpoena, authorized by law, has been issued by the committee requesting the records.

B. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The

use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 5. AMENDATORY Section 181, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.5), is amended to read as follows:

Section 7307-1.5 A. Department of Juvenile Justice agency records pertaining to a child may be inspected and their contents disclosed without a court order to the following upon showing of proper credentials:

1. The court having the child currently before it in any proceeding pursuant to ~~Title 10 of the Oklahoma Statutes~~ this title, any district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, and members of review boards established pursuant to the Oklahoma Children's Code, Section 7001-1.1 et seq. of this title;

2. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to ~~Title 10 of the Oklahoma Statutes~~ this title or the prosecution of crimes against children;

3. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of ~~Title 10 of the Oklahoma Statutes~~ this title. The attorney also may access other records listed in subsection A of Section 7307-1.2 of ~~Title 10 of the Oklahoma Statutes~~ this title for use in the legal representation of the child;

4. Employees of juvenile bureaus in the course of their official duties;

5. Employees of a law enforcement agency of this or another state and employees of a child protective service of another state or federally recognized Indian tribe in the course of their official duties pertaining to investigations of a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;

6. Employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under eighteen (18) years of age. Records or information disclosed pursuant to this subparagraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation; provided, records pertaining to any alleged or adjudicated abuse or neglect of the person shall not be inspected or disclosed;

7. The Oklahoma Commission on Children and Youth;

8. The Department of Human Services;

9. Any public or private agency or person authorized by the Department of Juvenile Justice to diagnose, or provide care, treatment, supervision or other services to a child who is the subject of a report or record of delinquency, child abuse or neglect, or other adjudicatory category, provided the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure;

10. Any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or

supervising the diagnosis, care, treatment, supervision or other services provided such child;

11. The parents of the child who is the subject of such records;

12. Any person or agency for research purposes, if all of the following conditions are met:

a. the person or agency conducting such research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department of Human Services to conduct such research, and

b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed; and

13. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services.

B. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 1125.3, as amended by Section 182, Chapter 352, O.S.L. 1995, and as renumbered

by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.6), is amended to read as follows:

Section 7307-1.6 Except as provided by this section, the fingerprinting of persons under the age of eighteen (18) shall be as otherwise provided by law for the fingerprinting of adults.

1. When a child is detained or arrested in the course of an investigation of a criminal offense and:

- a. a comparison of the fingerprints of the child with fingerprints found during the investigation of the offense is negative, or
- b. a court finds that the child did not commit the alleged offense,

all law enforcement records of the arrest and, if applicable, juvenile court and agency records shall be amended to reflect said facts immediately after the comparison or court finding;

2. Fingerprints obtained pursuant to this section shall be retained in a central state depository and in a local depository maintained by a duly constituted law enforcement agency;

3. Fingerprints obtained and maintained pursuant to this section 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; and

4. If a child is reported to a law enforcement agency as a missing child or a custodial parent, legal guardian or legal custodian of a child requests the issuance of a fingerprint card pursuant to the provisions of the Oklahoma Minor Identification Act, Section 1629 et seq. of this title, the provisions of the Oklahoma Minor Identification Act shall apply. With the voluntary and informed consent of the parent, legal guardian or legal custodian of

the child, fingerprints obtained and maintained pursuant to the Oklahoma Minor Identification Act may be used by law enforcement officers as provided by paragraph 3 of this section.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 1125.4, as last amended by Section 183, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7307-1.7), is amended to read as follows:

Section 7307-1.7 A. 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 the Oklahoma Juvenile Code, Section 7301-1.1 et seq. of this title, 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.

B. The court shall order the records of a person alleged or adjudicated to be delinquent to be sealed in accordance with the provisions of this section.

1. When the person has been adjudicated to be delinquent and:
 - a. one (1) year has elapsed from the later of:
 - (1) dismissal or closure of the case by the court, or
 - (2) notice to the court by the Department of Juvenile Justice or a juvenile bureau of final discharge of such person from the supervision of the Department of Juvenile Justice or juvenile bureau, and
 - b. the person has not been found guilty of or admitted to or not contested the commission of a subsequent

criminal offense in either a juvenile or adult proceeding, and

c. no juvenile or adult proceeding for a criminal offense is pending;

2. When a juvenile court intake has been completed and:

a. the case has been dismissed, or

b. no petition has been filed pending fulfillment of conditions of a voluntary probation, or

c. a petition has been filed but no adjudication has occurred pending the fulfillment of conditions of a preadjudicatory probation;

3. When a juvenile participates in a court-approved alternative diversion program for first-time offenders and:

a. the juvenile presents satisfactory evidence to the court that the juvenile has successfully completed the program, and

b. the court dismisses the case at the conclusion of the deferral period;

4. When a juvenile participates in a court-approved military mentor program and:

a. the juvenile presents satisfactory evidence to the court that the juvenile has successfully completed the program, and

b. the court dismisses the case at the conclusion of the deferral period,

the records shall be sealed one (1) year after such dismissal or completion of the conditions of a voluntary or preadjudicatory probation, alternative diversion program for first-time offenders, or military mentor program.

C. The Administrative Office of the Courts shall establish on or before January 1, 1994, a system for sealing records as required by subsection B of this section and order that said records be sealed in accordance with the procedures established pursuant to said system.

D. Upon the sealing of the records, or any part of the records, of a person alleged or adjudicated to be delinquent pursuant to this title, all sealed records and official actions subject to the order shall be deemed never to have occurred, and the person who is the subject of said records and all juvenile justice agencies may properly reply upon any inquiry in the matter that no such action ever occurred and no such record exists with respect to such person.

E. Upon the entry of an order to seal the records of a juvenile:

1. The court clerk shall seal all juvenile court records pertaining to the person, except that a confidential index shall be maintained for the purpose of locating records subject to inspection or release pursuant to subsection F of this section.

a. ~~All~~ all law enforcement records pertaining to said person, except basic identification information, shall be sealed, and

b. ~~Except~~ except where such documents are necessary to maintain state or federal funding, all juvenile court personnel records pertaining to said person shall be sealed.

2. Members of the judiciary, district attorneys, the defendant, the defendant's counsel and employees of juvenile bureaus and the Department of Juvenile Justice assigned juvenile court intake responsibilities may access records that have been sealed pursuant to this section without a court order for the purpose of determining

whether to dismiss, seek a voluntary probation or file a petition in a case where the person who is the subject of the sealed record is alleged to have committed a subsequent juvenile delinquent act. Provided, records sealed pursuant to this section may be used in a subsequent juvenile delinquent prosecution of the case only after the issuance of a court order unsealing the records.

F. A record of any child alleged or adjudicated to be delinquent pursuant to this title, or any evidence given in such cause, or any records sealed pursuant to this section, 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 as provided by this subsection. Unsealed records of a person alleged or adjudicated to be delinquent may be inspected without a court order, and the court shall issue an order unsealing sealed records, for use for the following purposes:

1. In subsequent cases against the same child pursuant to this title;
2. In an adult criminal proceeding pursuant to Section 7303-4.3 or 7306-1.1 of ~~Title 10 of the Oklahoma Statutes~~ this title;
3. Upon conviction of a criminal offense in an adult proceeding, in connection with the sentencing of such person;
4. If the person is placed in the custody or under the supervision of the Department of Corrections, by the Department of Corrections personnel for the treatment and classification of such person; or
5. In accordance with the guidelines adopted pursuant to the Serious and Habitual Juvenile Offender Act, Section 7302-9.1 et seq. of this title, and Section 620.6 of this title, for maintaining juvenile justice and criminal justice statistical information.

G. 1. Records of a delinquency proceeding may be used to show the bias, if any, should the person who is the subject of the records be a witness in a civil or criminal proceeding either while a child or after he becomes an adult. If the record has been sealed, the court may enter an order authorizing the inspection or release of said records upon the request of the district attorney or said person.

2. Subsequent to a record being sealed as provided by this section:

- a. the district attorney, the arresting agency, and the Oklahoma State Bureau of Investigation may request the court to unseal the records for the purpose of a criminal investigation. When the court finds that there is a compelling reason and it is in the interest of justice to do so, the court may order the record unsealed~~., or~~
- b. any person or agency having a legitimate interest in a delinquency case or proceeding may petition the court for an order unsealing the record of the case. Upon the filing of a petition, the court shall set a date for a hearing and shall provide thirty (30) days' notice to all interested parties. The hearing may be closed at the court's discretion. If, after a hearing, the court determines that there is a compelling reason and it is necessary for the protection of a legitimate public or private interest to unseal the records, the court may order all or a portion of the record unsealed.

H. Any record ordered to be sealed pursuant to this section, if not unsealed within ten (10) years of the order, shall be obliterated or destroyed at the end of the ten-year period.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-2013

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