

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2568, Page 13, Line 15 ½,

as follows:

By inserting a new SECTION 3 to read as per attached, by renumbering subsequent sections, and by amending the title to conform.

Submitted by:

Senator Wilcoxson

Wilcoxson-JM-FA-HB2568
4/8/2008 9:32 AM

1 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7307-1.2, as last amended by
2 Section 1, Chapter 86, O.S.L. 2004 (10 O.S. Supp. 2007, Section 7307-1.2), is amended to read as
3 follows:

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

- 7 1. Juvenile court records;
- 8 2. Agency records;
- 9 3. District attorney's records;
- 10 4. Law enforcement records;
- 11 5. Nondirectory education records; and
- 12 6. Social records.

13 B. The confidentiality limitation of subsection A of this section shall not apply to statistical
14 information or information of a general nature obtained pursuant to the provisions of the Oklahoma
15 Juvenile Code.

16 C. The confidentiality requirements of subsection A of this section for juvenile court records
17 and law enforcement records shall not apply:

- 18 1. Upon the certification of a juvenile as an adult pursuant to Section 7303-4.3 of this title;
- 19 2. Upon the charging of an individual pursuant to Section 7306-1.1 of this title;
- 20 3. To a violation of any traffic regulation or motor vehicle regulation of Title 47 of the
21 Oklahoma Statutes, or to a violation of any city ordinance or county resolution which relates to the
22 regulation of traffic on the roads, highways or streets, or to the operation of self-propelled or
23 nonself-propelled vehicles of any kind in this state;

1 4. To a juvenile who is fourteen (14) years of age or older and who has been adjudicated
2 delinquent and who subsequently comes before the juvenile court on a new delinquency matter after
3 July 1, 1995;

4 5. To a juvenile adjudicated a delinquent for committing a delinquent act which, if committed
5 by an adult, would be a felony offense that is a crime against the person or a felony offense
6 involving a dangerous weapon;

7 6. To arrest records of a juvenile arrested for committing an act, which, if committed by an
8 adult, would be a felony offense;

9 7. To a violation of the Prevention of Youth Access to Tobacco Act; or

10 8. Whenever a juvenile is accepted for placement or treatment in a facility or private treatment
11 facility within this state as a result of or following a conviction or adjudication for an out-of-state
12 offense that would qualify the juvenile as a youthful offender, as defined in Section 7306-2.2 of this
13 title, had the crime occurred within this state. The facility shall provide any law enforcement agency
14 or peace officer all prior criminal offense, conviction, and adjudication information. If a juvenile
15 flees or is otherwise absent from the facility without permission, the facility shall provide any law
16 enforcement agency or peace officer all prior criminal offense, conviction, and adjudication
17 information. Any law enforcement agency or peace officer shall have the authority to review or
18 copy any records concerning the juvenile, including prior criminal offense, conviction, or
19 adjudication information.

20 D. Following the first adjudication as a delinquent, the court having jurisdiction shall note on
21 the juvenile court record of the person that any subsequent juvenile court records shall not be
22 confidential; provided, the child is at least fourteen (14) years of age or older. Any juvenile court
23 record which becomes an open juvenile record as provided in this subsection may be expunged as
24 provided in Section 7307-1.8 of this title.

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

3 E. When a delinquent child has escaped or run away from a training school or other
4 institutional placement for delinquents, the name and description of the child may be released to the
5 public by the agency having custody of the child as necessary and appropriate for the protection of
6 the public and the apprehension of the delinquent child whether or not the juvenile record is
7 confidential or open.

8 F. Except as otherwise required by state or federal law, the confidential records listed in
9 subsection A of this section may only be inspected, released, disclosed, corrected or expunged
10 pursuant to an order of the court. Except as otherwise provided in Section 601.6 of this title or any
11 provision of this chapter, no subpoena or subpoena duces tecum purporting to compel disclosure of
12 confidential information or any confidential juvenile record shall be valid.

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

19 Except for district attorney records, any court order authorizing the disclosure, release or
20 inspection of a confidential juvenile record may be conditioned on such terms and restrictions as the
21 court deems necessary and appropriate.

22 H. Upon receiving a written request for inspection, release, disclosure, or correction of a
23 juvenile record, the court shall determine whether the record of a juvenile falls under one of the
24 exceptions listed in subsection C of this section. If the record falls under one of the exceptions in
25 subsection C of this section, the court shall issue an order authorizing inspection, release, disclosure

1 or correction of the juvenile record. If the release of a juvenile record is authorized by the court, the
2 Office of Juvenile Affairs shall provide information to the requestor regarding the location of the
3 juvenile record to be released.

4 I. Any agency or person may seek an order from the juvenile court prohibiting the release of
5 confidential information subject to disclosure without an order of the court pursuant to Section 620.6
6 of this title or any provision of this chapter. The court may, for good cause shown, prohibit the
7 release of such information or authorize release of the information upon such conditions as the court
8 deems necessary and appropriate.

9 J. In accordance with the provisions of the Serious and Habitual Juvenile Offender Act and
10 Section 620.6 of this title:

11 1. Information included in the records listed in subsection A of this section may be entered in
12 and maintained in the Juvenile Justice Information System and other automated information systems
13 related to services to children and youth whether or not the record is confidential or open; and

14 2. The information systems may be accessed by participating agencies as defined by this
15 chapter or as otherwise provided by law.

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

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

23 L. Nothing contained in the provisions of Section 620.6 of this title or any provision of this
24 chapter shall be construed as:

1 1. Authorizing the inspection of records or the disclosure of information contained in records
2 relating to the provision of benefits or services funded, in whole or in part, with federal funds, except
3 in accord with federal statutes and regulations governing the receipt or use of such funds;

4 2. Authorizing the disclosure of information required to be kept confidential by Section 7505-
5 1.1, 7506-1.1 or 7510-1.5 of this title, the Oklahoma Adoption Code or disclosure of any other
6 confidential record pursuant to the provisions of this chapter;

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

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

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

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

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

22 M. The confidential records listed in subsection A of this section may be inspected and their
23 contents disclosed without a court order to a school district in which the child who is the subject of
24 the record is currently enrolled or has presented himself or herself for enrollment. The inspection of
25 records and disclosure authorized by this subsection may be limited to summaries or to information

1 directly necessary for the purpose of such inspection or disclosure. ~~Upon request by the school~~
2 ~~district,~~ If the school district is not already in possession of such records, the agency in possession of
3 the records shall provide the requested information to the school district:

- 4 1. Prior to or at the time the student presents himself or herself for enrollment; and
- 5 2. Upon the effective date of this act, for all students who are the subject of juvenile court
6 records and who are currently enrolled in the school district.

7 Any records disclosed as provided by this subsection shall remain confidential. The use of any
8 information shall be limited to the purposes for which disclosure is authorized.

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