

1 ENGROSSED SENATE
2 BILL NO. 1520

By: Garrison of the Senate

3 and

4 McCall of the House

5
6 An Act relating to juvenile records; amending 10A
7 O.S. 2011, Section 2-6-102, which relates to
8 confidential juvenile records; allowing the Oklahoma
9 School for the Blind and Oklahoma School for the Deaf
10 to access certain records; providing an effective
11 date; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-6-102, is
14 amended to read as follows:

15 Section 2-6-102. A. Except as provided by this section or as
16 otherwise specifically provided by state or federal laws, the
17 following juvenile records are confidential and shall not be open to
18 the general public, inspected, or their contents disclosed:

- 19 1. Juvenile court records;
- 20 2. Agency records;
- 21 3. District attorney's records;
- 22 4. Law enforcement records;
- 23 5. Nondirectory education records; and
- 24 6. Social records.

1 B. The confidentiality limitation of subsection A of this
2 section shall not apply to statistical information or information of
3 a general nature obtained pursuant to the provisions of the Oklahoma
4 Juvenile Code.

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

8 1. Upon the charging or certification of a juvenile as an adult
9 or youthful offender;

10 2. Upon the charging of an individual pursuant to Section 2-5-
11 101 of this title;

12 3. To a violation of any traffic regulation or motor vehicle
13 regulation of Title 47 of the Oklahoma Statutes, or to a violation
14 of any city ordinance or county resolution which relates to the
15 regulation of traffic on the roads, highways or streets, or to the
16 operation of self-propelled or nonself-propelled vehicles of any
17 kind in this state;

18 4. To a juvenile who is fourteen (14) years of age or older and
19 who has been adjudicated delinquent and who subsequently comes
20 before the juvenile court on a new delinquency matter after July 1,
21 1995;

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

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

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

7 8. Whenever a juvenile is accepted for placement or treatment
8 in a facility or private treatment facility within this state as a
9 result of or following a conviction or adjudication for an out-of-
10 state offense that would qualify the juvenile as a youthful
11 offender, as defined in Section 2-5-202 of this title, had the crime
12 occurred within this state. The facility shall provide any law
13 enforcement agency or peace officer all prior criminal offense,
14 conviction, and adjudication information. If a juvenile flees or is
15 otherwise absent from the facility without permission, the facility
16 shall provide any law enforcement agency or peace officer all prior
17 criminal offense, conviction, and adjudication information. Any law
18 enforcement agency or peace officer shall have the authority to
19 review or copy any records concerning the juvenile, including prior
20 criminal offense, conviction, or adjudication information.

21 D. Following the first adjudication as a delinquent, the court
22 having jurisdiction shall note on the juvenile court record of the
23 person that any subsequent juvenile court records shall not be
24 confidential; provided, the child is at least fourteen (14) years of

1 age or older. Any juvenile court record which becomes an open
2 juvenile record as provided in this subsection may be expunged as
3 provided in Section ~~7307-1.8~~ 2-6-109 of this title.

4 The provisions of this subsection shall only apply to the
5 juvenile court records and law enforcement records of juvenile
6 offenders certified, charged or adjudicated on and after July 1,
7 1995.

8 E. When a delinquent child has escaped or run away from a
9 training school or other institutional placement for delinquents,
10 the name and description of the child may be released to the public
11 by the agency having custody of the child as necessary and
12 appropriate for the protection of the public and the apprehension of
13 the delinquent child whether or not the juvenile record is
14 confidential or open.

15 F. Except as otherwise required by state or federal law, the
16 confidential records listed in subsection A of this section may only
17 be inspected, released, disclosed, corrected or expunged pursuant to
18 an order of the court. Except as otherwise provided in Section
19 601.6 of Title 10 of the Oklahoma Statutes or any provision of this
20 chapter, no subpoena or subpoena duces tecum purporting to compel
21 disclosure of confidential information or any confidential juvenile
22 record shall be valid.

23 G. An order of the court authorizing the inspection, release,
24 disclosure, correction or expungement of confidential records shall

1 be entered by the court only after a review of the records by the
2 court and a determination by the court, with due regard for the
3 confidentiality of the records and the privacy of persons identified
4 in the records, that a compelling reason exists and such inspection,
5 release or disclosure is necessary for the protection of a
6 legitimate public or private interest.

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

11 H. Upon receiving a written request for inspection, release,
12 disclosure, or correction of a juvenile record, the court shall
13 determine whether the record of a juvenile falls under one of the
14 exceptions listed in subsection C of this section. If the record
15 falls under one of the exceptions in subsection C of this section,
16 the court shall issue an order authorizing inspection, release,
17 disclosure or correction of the juvenile record. If the release of
18 a juvenile record is authorized by the court, the Office of Juvenile
19 Affairs shall provide information to the requestor regarding the
20 location of the juvenile record to be released.

21 I. Any agency or person may seek an order from the juvenile
22 court prohibiting the release of confidential information subject to
23 disclosure without an order of the court pursuant to Section 620.6
24 of Title 10 of the Oklahoma Statutes or any provision of this

1 chapter. The court may, for good cause shown, prohibit the release
2 of such information or authorize release of the information upon
3 such conditions as the court deems necessary and appropriate.

4 J. In accordance with the provisions of the Juvenile Offender
5 Tracking Program and Section 620.6 of Title 10 of the Oklahoma
6 Statutes:

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

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

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

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

1 L. Nothing contained in the provisions of Section 620.6 of
2 Title 10 of the Oklahoma Statutes or any provision of this chapter
3 shall be construed as:

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

9 2. Authorizing the disclosure of information required to be
10 kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of ~~this~~
11 ~~title~~ Title 10 of the Oklahoma Statutes, the Oklahoma Adoption Code
12 or disclosure of any other confidential record pursuant to the
13 provisions of this chapter;

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

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

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

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1 6. Prohibiting the Office of Juvenile Affairs from summarizing
2 the outcome of an investigation to the person who reported a known
3 or suspected instance of child abuse or neglect; or

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

13 M. The confidential records listed in subsection A of this
14 section may be inspected and their contents disclosed without a
15 court order to the Oklahoma School for the Blind, Oklahoma School
16 for the Deaf, or a school district in which the child who is the
17 subject of the record is currently enrolled or has been presented
18 for enrollment. The inspection of records and disclosure authorized
19 by this subsection may be limited to summaries or to information
20 directly necessary for the purpose of such inspection or disclosure.
21 Upon request by the Oklahoma School for the Blind, Oklahoma School
22 for the Deaf, or a school district, the agency in possession of the
23 records shall provide in writing, digitally, or by delivery to a
24 secure facsimile line, the requested information to the school

1 district within five (5) business days upon receipt of the request.
2 Any records disclosed as provided by this subsection shall remain
3 confidential. The use of any information shall be limited to the
4 purposes for which disclosure is authorized.

5 N. The records of a case for which a petition is not filed
6 shall be subject to the provisions of Chapter 6 of the Oklahoma
7 Juvenile Code.

8 SECTION 2. This act shall become effective July 1, 2014.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 Passed the Senate the 25th day of February, 2014.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2014.

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Presiding Officer of the House
of Representatives

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