

1 HB783
2 117746-1
3 By Representative Salaam
4 RFD: Judiciary
5 First Read: 25-MAR-10

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8 SYNOPSIS: Under existing law, written notice of a
9 finding of delinquency is provided to the school
10 where the juvenile is enrolled.

11 This bill would require the juvenile court
12 to provide written notice of any finding of
13 delinquency if the act committed by an adult would
14 constitute a felony.

15 This bill would also require that, upon
16 transfer of the student to a different school, the
17 written notice of delinquency transfer with any
18 academic records.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 12-15-217, Code of Alabama 1975,
25 relating to notice of delinquent acts; to require written
26 notice from the juvenile court to the school of attendance
27 upon a finding of delinquency for any act constituting an

1 adult felony act; and to require the transfer of the written
2 notice of delinquency with the transfer of academic records.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 12-15-217 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§12-15-217.

7 "(a) Notwithstanding subsection (a) of Section
8 12-15-133, written notice that a child enrolled in a school,
9 kindergarten to grade 12, has been found delinquent of an act
10 which if committed by an adult would be a ~~Class A or B~~ felony
11 ~~or any other crime, at the discretion of the juvenile court,~~
12 shall be provided within seven days to the superintendent of
13 the school district of attendance, or, if the child attends a
14 private school, to the principal of the school. The juvenile
15 court shall provide the notice using whatever method it deems
16 appropriate or otherwise as decided by the Administrative
17 Office of Courts. The prosecutor may recommend to the juvenile
18 court that notice be given to the school for any delinquent
19 act. Written notice shall include only the offenses,
20 enumerated by the appropriate code section and brief
21 description, found to have been committed by the child and the
22 disposition of the case involving the child. Where applicable,
23 this notice shall be expeditiously transmitted by the district
24 superintendent to the principal at the school of attendance.
25 The principal shall disseminate the information to those
26 counselors directly supervising or reporting on the behavior
27 or progress of the child. In addition, the principal may

1 disseminate the information to any teacher, administrator, or
2 other school employee directly supervising or reporting on the
3 behavior or progress of the child whom the principal believes
4 needs the information to work with the pupil in appropriate
5 fashion or to protect other students and staff.

6 "(b) Any Except as provided in subsection (c), any
7 information received by a teacher, counselor, administrator,
8 or other school employee pursuant to this section shall be
9 received in confidence for the limited purpose of
10 rehabilitating the child and protecting students and staff,
11 and shall not be further disseminated by the teacher,
12 counselor, or administrator, except insofar as communication
13 with the child, his or her parent, legal guardian, legal
14 custodian, law enforcement personnel, and the juvenile
15 probation officer of the child is necessary to effectuate the
16 rehabilitation of the child or to protect students and staff.

17 "(c) Information received pursuant to this section
18 shall transfer with the academic records of a child in the
19 event he or she transfers to a different school or school
20 district.

21 "~~(c)~~(d) An intentional violation of the
22 confidentiality or transfer of information provisions of this
23 section is a Class A misdemeanor under the jurisdiction of the
24 juvenile court."

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

