

1 SB206
2 209507-2
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 09-FEB-21

1 SB206

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4 ENROLLED, An Act,

5 Relating to juveniles; to amend Section 12-15-134,
6 Code of Alabama 1975, to further provide when juvenile law
7 enforcement records may be released; and to make
8 nonsubstantive, technical revisions to update the existing
9 code language to current style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 12-15-134, Code of Alabama 1975,
12 is amended to read as follows:

13 "§12-15-134.

14 "(a) Law enforcement agencies shall take special
15 precautions to ensure that law enforcement records and files
16 concerning a child will be maintained in a manner and pursuant
17 to those safeguards that will protect against disclosure to
18 any unauthorized person, department, agency, or entity. Unless
19 a charge of delinquency is transferred for criminal
20 prosecution pursuant to Section 12-15-203 or the juvenile
21 court otherwise orders in the interests of the child, of
22 public safety, or of national security, the law enforcement
23 records and files with respect to the child shall not be open
24 to public inspection nor their contents disclosed to the
25 public.

1 "(b) Law enforcement records and files described in
2 ~~subsection (a)~~ subsections (a) and (f) shall be open to
3 inspection and copying by the following:

4 "(1) A juvenile court having a child currently
5 before it in any proceeding.

6 "(2) Personnel of the Department of Human Resources,
7 the Department of Youth Services, public and private
8 institutions or agencies of which the child under the
9 jurisdiction of the juvenile court has been placed into the
10 legal custody, and those responsible for his or her
11 supervision after release.

12 "(3) Law enforcement officers of other jurisdictions
13 when necessary for the discharge of their current official
14 duties.

15 "(4) The probation and other professional staff of a
16 court in which the child is subsequently convicted of a
17 criminal offense or adjudicated as a youthful offender for the
18 purpose of a presentence report or other dispositional
19 proceedings, officials of penal institutions and other penal
20 facilities into which the child is placed, or a parole board
21 in considering his or her parole or discharge or in exercising
22 supervision over him or her.

23 "(5) The probation and other professional staff
24 serving a court handling criminal cases when investigating or
25 considering youthful offender applications.

1 "(6) The parent, except when parental rights have
2 been terminated, or legal guardian of the child and the
3 child's attorney and guardian ad litem.

4 "(7) The principal of the school in which the child
5 is enrolled, or the representative of the principal, upon
6 written petition to the juvenile court setting forth the
7 reasons why the safety or welfare, or both, of the school, its
8 students, or personnel necessitate production of the
9 information and without which the safety and welfare of the
10 school, its students, and personnel would be threatened.

11 "(c) Law enforcement records may be viewed by
12 victims during the investigation of a crime at the discretion
13 of the investigating officer.

14 "(d) All law enforcement agencies shall report to
15 the Alabama ~~Criminal Justice Information Center~~ State Law
16 Enforcement Agency that a child has been charged with an act
17 of delinquency along with any pertinent identifying
18 information or historical data concerning that child, when
19 either of the following occurs:

20 "(1) The child is taken into custody and charged
21 with an act of delinquency for an act which would constitute a
22 felony if committed by an adult.

23 "(2) The child is taken into custody and charged
24 with an act of delinquency for an act which would constitute a

1 misdemeanor, ~~according to subdivision (2) of Section 41-9-622~~
2 if committed by an adult.

3 "(e) Nothing in this section shall be construed to
4 prohibit or otherwise limit counsel from disclosing
5 confidential law enforcement records relating to a client as
6 needed to investigate the case of the client or prepare a
7 defense for that client, provided that the disclosure is in
8 furtherance of counsel's representation of the party.

9 "(f) Except for use in legal proceedings,
10 photographs, likeness, and personal identifying information
11 contained in law enforcement records of a person charged
12 pursuant to Section 12-15-204 is not a public record and may
13 not be published in any printed or electronic media nor open
14 to public inspection, prior to conviction, unless the district
15 court or circuit court with jurisdiction over case orders the
16 records be released in the interest of the person charged, in
17 the interest of public safety, or in the interest of
18 national security.

19 "~~(f)~~ (g) Except as provided in this section, ~~whoever~~
20 any person who directly or indirectly discloses ~~or,~~ makes use
21 of, or knowingly permits the use of information described in
22 this section that identifies a child, or the family of a
23 child, who is or was under the jurisdiction of the juvenile
24 court, upon conviction ~~thereof,~~ shall be guilty of a Class A
25 misdemeanor under the jurisdiction of the juvenile court."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB206

Senate 09-MAR-21

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 27-APR-21

Senate concurred in House amendment 29-APR-21

By: Senator Barfoot