

Juvenile Justice Committee

HB 1992

Brief Description: *Providing for communications to schools from juvenile justice and care agencies.*

Sponsors: *Representatives Lantz and Woods.*

Brief Summary of Bill

- *Requires law enforcement and prosecuting attorneys to release information to a school regarding an investigation, diversion, or prosecution of a juvenile attending the school if the victim of the offense is another student or school employee or if the offense involved school property.*

Hearing Date: *2/21/01*

Staff: *Trudes Hutcheson (786-7384).*

Background:

There are certain circumstances when a juvenile justice agency must release information to a third party regarding a juvenile. Juvenile justice or care agencies include, but are not limited to, law enforcement agencies, courts, prosecuting attorneys, and schools.

The official juvenile court file of a juvenile offender is open to public inspection unless sealed. The official juvenile court file is the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders.

Records other than the official juvenile court file are generally confidential. Records produced or kept by juvenile justice or care agencies may be released to other juvenile justice or care agencies only when an investigation or case involving the juvenile is being pursued by the juvenile justice or care agency or when that other agency is assigned the responsibility for supervising the juvenile.

In 1999, the Legislature enacted a provision authorizing law enforcement and prosecuting attorneys to release certain information to schools. Upon the arrest or decision to arrest, law enforcement and the prosecuting attorney may cooperate with schools in releasing information pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release incident reports to the extent possible to assist schools in protecting other students, staff, and school property.

Summary of Bill:

Whether there is an arrest or a decision to arrest, law enforcement and prosecuting attorneys must release information to the school pertaining to investigations, incident reports, diversions, or prosecution of a juvenile attending the school if: (a) the victim of the offense is a school employee or student; or (b) the offense involves school property.

If release of an incident report would jeopardize the investigation, prosecution, or endanger witnesses, law enforcement and prosecuting attorneys must release information to the extent possible to assist schools in protecting other students, staff, and school property.

The school may use the information only for the purposes of formulating or amending an educational plan for the student or for investigating misconduct for which disciplinary action may be imposed.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.