

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 120

Short Title: Open Juvenile Records.

(Public)

Sponsors: Senators Marshall; Johnson and Folger.

Referred to: Corrections/Punishment.

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT RECORDS AND FILES OF JUVENILES
ADJUDICATED DELINQUENT FOR A FELONY OFFENSE ARE OPEN FOR
INSPECTION AND USE IN SUBSEQUENT JUVENILE AND ADULT
CRIMINAL PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-675 reads as rewritten:

"§ 7A-675. Confidentiality of records.

(a) The clerk of superior court shall maintain a complete record of all juvenile cases filed in ~~his~~ the clerk's office to be known as the juvenile record, ~~which~~ which, except as provided in subsection (e) of this section, shall be withheld from public inspection and may be examined only by order of the judge, except that the juvenile, ~~his~~ the juvenile's parent, guardian, custodian, or other authorized representative ~~of the juvenile shall have~~ has a right to examine the juvenile's ~~record~~ record regardless of whether the record is withheld from public inspection. The record shall include the summons, petition, custody order, court order, written motions, the electronic or mechanical recording of the hearing, and other papers filed in the proceeding. The recording of the hearing shall be reduced to a written transcript only when notice of appeal has been timely given. After the time for appeal has expired with no appeal having been filed, the recording of the hearing may be erased or destroyed upon the written order of the judge.

(b) The Chief Court Counselor shall maintain a record of the cases of juveniles under supervision by court counselors which shall include family background information; reports of social, medical, psychiatric, or psychological information

1 concerning a juvenile or ~~his~~ the juvenile's family; a record of the probation reports of a
2 juvenile; interviews with ~~his~~ the juvenile's family; or other information ~~which~~ that the
3 judge finds should be protected from public inspection in the best interest of the
4 juvenile.

5 (c) The Director of the Department of Social Services shall maintain a record of
6 the cases of juveniles under protective custody by ~~his~~ the Department or under
7 placement by the court. This file shall include material similar in nature to that
8 described in subsection (b).

9 (d) The records maintained pursuant to subsections (b) and (c) may be examined
10 only by order of the judge except that the juvenile shall have the right to examine ~~them~~
11 them and except as provided in subsection (e) of this section.

12 (e) Law-enforcement records and files concerning a juvenile shall be kept
13 separate from the records and files of adults except in proceedings when jurisdiction of
14 a juvenile is transferred to superior court. Law-enforcement records and files
15 concerning juveniles shall be open only to the inspection of the prosecutor, court
16 counselors, the juvenile, and the juvenile's attorney, his parent, guardian, and ~~eustodian-~~
17 ~~custodian,~~ except that all law-enforcement records and files maintained by the Chief
18 Court Counselor of a juvenile who (i) has been adjudicated delinquent for an offense
19 that would be a felony if committed by an adult and (ii) has been transferred for trial as
20 an adult pursuant to G.S. 7A-608 shall be transferred with the juvenile and examined in
21 camera by the judge. The judge may open the records and files of the juvenile for
22 inspection and use in any subsequent criminal proceedings by the prosecutor, the
23 Department of Correction or the Parole Commission. The records and files of a juvenile
24 who has been adjudicated delinquent for an offense that would be a felony if committed
25 by an adult may be admissible in subsequent criminal proceedings as provided by law,
26 notwithstanding G.S. 8C-1, Rule 609(d). An adjudication of delinquency for an offense
27 that would be a felony if committed by an adult is a 'prior conviction' for purposes of
28 sentencing and may be considered an aggravating circumstance in accordance with G.S.
29 15A-2000(e).

30 (f) All records and files maintained by the Division of Youth Services shall be
31 withheld from public inspection and shall be open only to the inspection of the juvenile,
32 professionals in that agency who are directly involved in the juvenile's case, and court
33 ~~counselors-~~ counselors except as provided in subsection (e) of this section. The judge
34 authorizing commitment of a juvenile shall have the right to inspect and order the
35 release of records maintained by the Division of Youth Services on that juvenile.

36 (g) Disclosure of information concerning any juvenile under investigation or
37 alleged to be within the jurisdiction of the court that would reveal the identity of that
38 juvenile is prohibited except that publication of pictures of runaways is permitted with
39 the permission of the parents.

40 (h) Nothing in this section shall preclude the necessary sharing of information
41 among authorized agencies.

42 (i) In the case of a child victim, a judge may order the sharing of information
43 among such public agencies as the judge deems necessary to reduce the trauma to the
44 child victim."

1 Sec. 2. This act becomes effective July 1, 1994, and applies to offenses
2 committed on or after that date.