

Representative Patrice Arent proposes to substitute the following bill:

JUVENILE COURT HEARINGS AND RECORDS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Patrice Arent

5	Raymond W. Short	Sheryl L. Allen	Brian R. Allen
6	John E. Swallow	David M. Jones	Blake D. Chard
7	Lloyd W. Frandsen	Ralph Becker	Ron Bigelow
8	Kevin S. Garn	Katherine Bryson	A. Lamont Tyler
9	Susan J. Koehn	Mary Carlson	Wayne A. Harper

10 AN ACT RELATING TO THE JUDICIAL CODE; CHANGING THE COURT'S DISCRETION
11 ON WHO TO ADMIT TO JUVENILE HEARINGS; CHANGING THE AGE LIMIT ON
12 WHAT HEARINGS CAN BE OPEN AND RECORDS TO BE AVAILABLE; ADDING
13 PROVISIONS TO ALLOW FOR ACCESSING JUVENILE RECORDS OF ADULTS
14 CHARGED WITH FELONIES; AND MAKING TECHNICAL CORRECTIONS.

15 This act affects sections of Utah Code Annotated 1953 as follows:

16 AMENDS:

17 **78-3a-115**, as last amended by Chapter 103 and renumbered and amended by Chapter 365,
18 Laws of Utah 1997

19 **78-3a-206**, as enacted by Chapter 1, Laws of Utah 1996

20 *Be it enacted by the Legislature of the state of Utah:*

21 Section 1. Section **78-3a-115** is amended to read:

22 **78-3a-115. Hearings -- Public excluded, exceptions -- Victims admitted -- Minor's**
23 **cases heard separately from adult cases -- Minor or parents or custodian heard separately**
24 **-- Continuance of hearing -- Consolidation of proceedings involving more than one minor.**

25 (1) [(a)] Hearings in minor's cases shall be held before the court without a jury and may
26 be conducted in an informal manner. [~~The court shall exclude the general public and admit only~~]

1 those persons who have a direct interest in the case or in the work of the court or who have been
2 requested by the parent or legal guardian to be present.]

3 (a) In abuse, neglect, and dependancy cases the court shall exclude all persons who do not
4 have a direct interest in the proceedings.

5 (b) In delinquency cases the court shall admit all persons who have a direct interest in the
6 case and may admit persons requested by the court or legal guardian to be present. The court shall
7 exclude all other persons except as provided in Subsection (1)(c).

8 (c) In delinquency cases in which the minor charged is 14 years of age or older, the court
9 shall admit any person unless the hearing is closed by the court upon findings on the record for
10 good cause if:

11 (i) the minor has been charged with an offense which would be a felony if committed by
12 an adult; or

13 (ii) the minor is charged with an offense that would be a class A or B misdemeanor if
14 committed by an adult, and the minor has been previously charged with an offense which would
15 be a misdemeanor or felony if committed by an adult.

16 ~~[(b)]~~ (d) The victim of any act charged in a petition or information involving an offense
17 committed by a minor which if committed by an adult would be a felony shall, upon request, be
18 afforded all rights afforded victims in Title 77, Chapter 36, Cohabitant Abuse Procedures Act,
19 Title 77, Chapter 37, Victims' Rights, and Title 77, Chapter 38, Rights of Crime Victims Act. The
20 notice provisions in Section 77-38-3 do not apply to important juvenile justice hearings as defined
21 in Section 77-38-2.

22 ~~[(e)]~~ (e) A victim, upon request to appropriate juvenile court personnel, shall have the right
23 to inspect and duplicate juvenile court legal records that have not been expunged concerning:

24 (i) the scheduling of any court hearings on the petition;

25 (ii) any findings made by the court; and

26 (iii) any sentence or decree imposed by the court.

27 ~~[(2) Notwithstanding Subsection (1), if a proceeding is conducted on a written petition~~
28 ~~charging a minor 16 years of age or older with an offense which if committed by an adult would~~
29 ~~be a felony or a misdemeanor as provided in Section 77-38-5, the court shall admit any person to~~
30 ~~the proceeding unless closed by the judge upon findings on the record of good cause.]~~

31 ~~[(3)]~~ (2) Minor's cases shall be heard separately from adult cases. The minor or his parents

1 or custodian may be heard separately when considered necessary by the court. The hearing may
2 be continued from time to time to a date specified by court order.

3 ~~[(4)]~~ (3) When more than one minor is involved in a home situation which may be found
4 to constitute neglect or dependency, or when more than one minor is alleged to be involved in the
5 same law violation, the proceedings may be consolidated, except that separate hearings may be
6 held with respect to disposition.

7 Section 2. Section **78-3a-206** is amended to read:

8 **78-3a-206. Court records - Inspection.**

9 (1) The court and the probation department shall keep records as required by the board and
10 the presiding judge.

11 (2) Court records shall be open to inspection by:

12 (a) the parents or guardian, other parties in the case, the attorneys, and agencies to which
13 custody of a minor has been transferred; and

14 (b) the Division of Law Enforcement and Technical Services for the purpose of
15 establishing good character for issuance of a concealed firearm permit as provided in Section
16 53-5-704.

17 (3) With the consent of the judge, court records may be inspected by the minor, by persons
18 having a legitimate interest in the proceedings, and by persons conducting pertinent research
19 studies.

20 (4) If a petition is filed charging a minor ~~[16]~~ 14 years of age or older with an offense that
21 would be a felony if committed by an adult, the court shall make available to any person upon
22 request the petition, any adjudication or disposition orders, and the delinquency history summary
23 of the minor charged unless the records are closed by the court upon findings on the record for
24 good cause.

25 (5) Probation officers' records and reports of social and clinical studies are not open to
26 inspection, except by consent of the court, given under rules adopted by the board.

27 (6) (a) Any juvenile delinquency adjudication or disposition orders and the delinquency
28 history summary of any person charged as an adult with a felony offense shall be made available
29 to any person upon request.

30 (b) This provision does not apply to records that have been destroyed or expunged in
31 accordance with court rules.

1 (c) The court may charge a reasonable fee to cover the costs associated with retrieving a
2 requested record that has been archived.