

AMENDED IN SENATE AUGUST 19, 2016
AMENDED IN SENATE JUNE 23, 2016
AMENDED IN SENATE MAY 31, 2016
AMENDED IN ASSEMBLY APRIL 21, 2016
AMENDED IN ASSEMBLY MARCH 15, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1945

Introduced by Assembly Member Mark Stone

February 12, 2016

An act to amend Sections 786, 827, 827.9, and 828 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1945, as amended, Mark Stone. Juveniles: sealing of records.

(1) Existing law subjects a person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the sealing of records pertaining to that dismissed petition, as specified. Existing law specifies circumstances under which a record

that has been ordered sealed pursuant to these provisions may be accessed, inspected, or utilized.

This bill would allow a child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent to access a record that has been ordered sealed for the limited purpose of determining an appropriate placement or service.

(2) Existing law governs the circumstances under which a juvenile court case file may be disseminated and to whom. Existing law governs the dissemination of juvenile police records in the County of Los Angeles. Existing law governs the dissemination of information gathered by a law enforcement agency relating to the taking of a minor into ~~custody~~ custody.

This bill would clarify that a case file that has been covered ~~by~~ by, or included ~~in~~ in, an order of a court sealing a record under specified provisions of law may only be inspected pursuant to those provisions of law. The bill would make conforming changes regarding the dissemination of juvenile police records in the County of Los Angeles and information gathered by a law enforcement agency relating to the taking of a minor into custody to preclude the dissemination of sealed records under those provisions that have been sealed pursuant to a specified provision of law.

(3) *This bill would incorporate additional changes to Section 827 of the Welfare and Institutions Code proposed by AB 2872 that would become operative if this bill and AB 2872 are chaptered and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 786 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 786. (a) If a person who has been alleged or found to be a ward
- 4 of the juvenile court satisfactorily completes (1) an informal
- 5 program of supervision pursuant to Section 654.2, (2) probation
- 6 under Section 725, or (3) a term of probation for any offense, the
- 7 court shall order the petition dismissed. The court shall order sealed
- 8 all records pertaining to the dismissed petition in the custody of
- 9 the juvenile court, and in the custody of law enforcement agencies,
- 10 the probation department, or the Department of Justice. The court

1 shall send a copy of the order to each agency and official named
2 in the order, direct the agency or official to seal its records, and
3 specify a date by which the sealed records shall be destroyed. Each
4 agency and official named in the order shall seal the records in its
5 custody as directed by the order, shall advise the court of its
6 compliance, and, after advising the court, shall seal the copy of
7 the court's order that was received. The court shall also provide
8 notice to the person and the person's counsel that it has ordered
9 the petition dismissed and the records sealed in the case. The notice
10 shall include an advisement of the person's right to nondisclosure
11 of the arrest and proceedings, as specified in subdivision (b).

12 (b) Upon the court's order of dismissal of the petition, the arrest
13 and other proceedings in the case shall be deemed not to have
14 occurred and the person who was the subject of the petition may
15 reply accordingly to an inquiry by employers, educational
16 institutions, or other persons or entities regarding the arrest and
17 proceedings in the case.

18 (c) (1) For purposes of this section, satisfactory completion of
19 an informal program of supervision or another term of probation
20 described in subdivision (a) shall be deemed to have occurred if
21 the person has no new findings of wardship or conviction for a
22 felony offense or a misdemeanor involving moral turpitude during
23 the period of supervision or probation and if he or she has not
24 failed to substantially comply with the reasonable orders of
25 supervision or probation that are within his or her capacity to
26 perform. The period of supervision or probation shall not be
27 extended solely for the purpose of deferring or delaying eligibility
28 for dismissal of the petition and sealing of the records under this
29 section.

30 (2) An unfulfilled order or condition of restitution, including a
31 restitution fine that can be converted to a civil judgment under
32 Section 730.6 or an unpaid restitution fee shall not be deemed to
33 constitute unsatisfactory completion of supervision or probation
34 under this section.

35 (d) A court shall not seal a record or dismiss a petition pursuant
36 to this section if the petition was sustained based on the
37 commission of an offense listed in subdivision (b) of Section 707
38 that was committed when the individual was 14 years of age or
39 older unless the finding on that offense was dismissed or was

1 reduced to a lesser offense that is not listed in subdivision (b) of
2 Section 707.

3 (e) (1) The court may, in making its order to seal the record
4 and dismiss the instant petition pursuant to this section, include
5 an order to seal a record relating to, or to dismiss, any prior petition
6 or petitions that have been filed or sustained against the individual
7 and that appear to the satisfaction of the court to meet the sealing
8 and dismissal criteria otherwise described in this section.

9 (2) An individual who has a record that is eligible to be sealed
10 under this section may ask the court to order the sealing of a record
11 pertaining to the case that is in the custody of a public agency other
12 than a law enforcement agency, the probation department, or the
13 Department of Justice, and the court may grant the request and
14 order that the public agency record be sealed if the court determines
15 that sealing the additional record will promote the successful
16 reentry and rehabilitation of the individual.

17 (f) (1) A record that has been ordered sealed by the court under
18 this section may be accessed, inspected, or utilized only under any
19 of the following circumstances:

20 (A) By the prosecuting attorney, the probation department, or
21 the court for the limited purpose of determining whether the minor
22 is eligible and suitable for deferred entry of judgment pursuant to
23 Section 790 or is ineligible for a program of supervision as defined
24 in Section 654.3.

25 (B) By the court for the limited purpose of verifying the prior
26 jurisdictional status of a ward who is petitioning the court to resume
27 its jurisdiction pursuant to subdivision (e) of Section 388.

28 (C) If a new petition has been filed against the minor for a felony
29 offense, by the probation department for the limited purpose of
30 identifying the minor's previous court-ordered programs or
31 placements, and in that event solely to determine the individual's
32 eligibility or suitability for remedial programs or services. The
33 information obtained pursuant to this subparagraph shall not be
34 disseminated to other agencies or individuals, except as necessary
35 to implement a referral to a remedial program or service, and shall
36 not be used to support the imposition of penalties, detention, or
37 other sanctions upon the minor.

38 (D) Upon a subsequent adjudication of a minor whose record
39 has been sealed under this section and a finding that the minor is
40 a person described by Section 602 based on the commission of a

1 felony offense, by the probation department, the prosecuting
2 attorney, counsel for the minor, or the court for the limited purpose
3 of determining an appropriate juvenile court disposition. Access,
4 inspection, or use of a sealed record as provided under this
5 subparagraph shall not be construed as a reversal or modification
6 of the court's order dismissing the petition and sealing the record
7 in the prior case.

8 (E) Upon the prosecuting attorney's motion, made in accordance
9 with Section 707, to initiate court proceedings to determine the
10 minor's fitness to be dealt with under the juvenile court law, by
11 the probation department, the prosecuting attorney, counsel for
12 the minor, or the court for the limited purpose of evaluating and
13 determining the minor's fitness to be dealt with under the juvenile
14 court law. Access, inspection, or use of a sealed record as provided
15 under this subparagraph shall not be construed as a reversal or
16 modification of the court's order dismissing the petition and sealing
17 the record in the prior case.

18 (F) By the person whose record has been sealed, upon his or
19 her request and petition to the court to permit inspection of the
20 records.

21 (G) ~~The~~ *By the* probation department of any county ~~may to~~
22 access the records for the limited purpose of meeting federal Title
23 IV-B and Title IV-E compliance.

24 (H) The child welfare agency of a county responsible for the
25 supervision and placement of a minor or nonminor dependent may
26 access a record that has been ordered sealed by the court under
27 this section for the limited purpose of determining an appropriate
28 placement or service that has been ordered for the minor or
29 nonminor dependent by the court. The information contained in
30 the sealed record and accessed by the child welfare worker or
31 agency under this subparagraph may be shared with the court ~~or~~
32 ~~with a service or placement provider as necessary to implement~~
33 ~~the court-ordered service or placement~~ but shall in all other respects
34 remain ~~confidential~~: *confidential and shall not be disseminated to*
35 *any other person or agency*. Access to the sealed record under this
36 subparagraph shall not be construed as a modification of the court's
37 order dismissing the petition and sealing the record in the case.

38 (2) Access to, or inspection of, a sealed record authorized by
39 paragraph (1) shall not be deemed an unsealing of the record and
40 shall not require notice to any other agency.

1 (g) (1) This section does not prohibit a court from enforcing a
2 civil judgment for an unfulfilled order of restitution ordered
3 pursuant to Section 730.6. A minor is not relieved from the
4 obligation to pay victim restitution, restitution fines, and
5 court-ordered fines and fees because the minor's records are sealed.

6 (2) A victim or a local collection program may continue to
7 enforce victim restitution orders, restitution fines, and court-ordered
8 fines and fees after a record is sealed. The juvenile court shall have
9 access to records sealed pursuant to this section for the limited
10 purpose of enforcing a civil judgment or restitution order.

11 (h) This section does not prohibit the State Department of Social
12 Services from meeting its obligations to monitor and conduct
13 periodic evaluations of, and provide reports on, the programs
14 carried under federal Title IV-B and Title IV-E as required by
15 Sections 622, 629 et seq., and 671(a)(7) and (22) of Title 42 of the
16 United States Code, as implemented by federal regulation and state
17 statute.

18 (i) The Judicial Council shall adopt rules of court, and shall
19 make available appropriate forms, providing for the standardized
20 implementation of this section by the juvenile courts.

21 SEC. 2. Section 827 of the Welfare and Institutions Code is
22 amended to read:

23 827. (a) (1) Except as provided in Section 828, a case file
24 may be inspected only by the following:

25 (A) Court personnel.

26 (B) The district attorney, a city attorney, or city prosecutor
27 authorized to prosecute criminal or juvenile cases under state law.

28 (C) The minor who is the subject of the proceeding.

29 (D) The minor's parents or guardian.

30 (E) The attorneys for the parties, judges, referees, other hearing
31 officers, probation officers, and law enforcement officers who are
32 actively participating in criminal or juvenile proceedings involving
33 the minor.

34 (F) The county counsel, city attorney, or any other attorney
35 representing the petitioning agency in a dependency action.

36 (G) The superintendent or designee of the school district where
37 the minor is enrolled or attending school.

38 (H) Members of the child protective agencies as defined in
39 Section 11165.9 of the Penal Code.

1 (I) The State Department of Social Services, to carry out its
2 duties pursuant to Division 9 (commencing with Section 10000),
3 and Part 5 (commencing with Section 7900) of Division 12, of the
4 Family Code to oversee and monitor county child welfare agencies,
5 children in foster care or receiving foster care assistance, and
6 out-of-state placements, Section 10850.4, and paragraph (2).

7 (J) Authorized legal staff or special investigators who are peace
8 officers who are employed by, or who are authorized
9 representatives of, the State Department of Social Services, as
10 necessary to the performance of their duties to inspect, license,
11 and investigate community care facilities, and to ensure that the
12 standards of care and services provided in those facilities are
13 adequate and appropriate and to ascertain compliance with the
14 rules and regulations to which the facilities are subject. The
15 confidential information shall remain confidential except for
16 purposes of inspection, licensing, or investigation pursuant to
17 Chapter 3 (commencing with Section 1500) and Chapter 3.4
18 (commencing with Section 1596.70) of Division 2 of the Health
19 and Safety Code, or a criminal, civil, or administrative proceeding
20 in relation thereto. The confidential information may be used by
21 the State Department of Social Services in a criminal, civil, or
22 administrative proceeding. The confidential information shall be
23 available only to the judge or hearing officer and to the parties to
24 the case. Names that are confidential shall be listed in attachments
25 separate to the general pleadings. The confidential information
26 shall be sealed after the conclusion of the criminal, civil, or
27 administrative hearings, and may not subsequently be released
28 except in accordance with this subdivision. If the confidential
29 information does not result in a criminal, civil, or administrative
30 proceeding, it shall be sealed after the State Department of Social
31 Services decides that no further action will be taken in the matter
32 of suspected licensing violations. Except as otherwise provided in
33 this subdivision, confidential information in the possession of the
34 State Department of Social Services may not contain the name of
35 the minor.

36 (K) Members of children’s multidisciplinary teams, persons, or
37 agencies providing treatment or supervision of the minor.

38 (L) A judge, commissioner, or other hearing officer assigned
39 to a family law case with issues concerning custody or visitation,
40 or both, involving the minor, and the following persons, if actively

1 participating in the family law case: a family court mediator
 2 assigned to a case involving the minor pursuant to Article 1
 3 (commencing with Section 3160) of Chapter 11 of Part 2 of
 4 Division 8 of the Family Code, a court-appointed evaluator or a
 5 person conducting a court-connected child custody evaluation,
 6 investigation, or assessment pursuant to Section 3111 or 3118 of
 7 the Family Code, and counsel appointed for the minor in the family
 8 law case pursuant to Section 3150 of the Family Code. Prior to
 9 allowing counsel appointed for the minor in the family law case
 10 to inspect the file, the court clerk may require counsel to provide
 11 a certified copy of the court order appointing him or her as the
 12 minor’s counsel.

13 (M) A court-appointed investigator who is actively participating
 14 in a guardianship case involving a minor pursuant to Part 2
 15 (commencing with Section 1500) of Division 4 of the Probate
 16 Code and acting within the scope of his or her duties in that case.

17 (N) A local child support agency for the purpose of establishing
 18 paternity and establishing and enforcing child support orders.

19 (O) Juvenile justice commissions as established under Section
 20 225. The confidentiality provisions of Section 10850 shall apply
 21 to a juvenile justice commission and its members.

22 (P) Any other person who may be designated by court order of
 23 the judge of the juvenile court upon filing a petition.

24 (2) (A) Notwithstanding any other law and subject to
 25 subparagraph (A) of paragraph (3), juvenile case files, except those
 26 relating to matters within the jurisdiction of the court pursuant to
 27 Section 601 or 602, that pertain to a deceased child who was within
 28 the jurisdiction of the juvenile court pursuant to Section 300, shall
 29 be released to the public pursuant to an order by the juvenile court
 30 after a petition has been filed and interested parties have been
 31 afforded an opportunity to file an objection. Any information
 32 relating to another child or which could identify another child,
 33 except for information about the deceased, shall be redacted from
 34 the juvenile case file prior to release, unless a specific order is
 35 made by the juvenile court to the contrary. Except as provided in
 36 this paragraph, the presiding judge of the juvenile court may issue
 37 an order prohibiting or limiting access to the juvenile case file, or
 38 any portion thereof, of a deceased child only upon a showing by
 39 a preponderance of evidence that release of the juvenile case file
 40 or any portion thereof is detrimental to the safety, protection, or

1 physical or emotional well-being of another child who is directly
2 or indirectly connected to the juvenile case that is the subject of
3 the petition.

4 (B) This paragraph represents a presumption in favor of the
5 release of documents when a child is deceased unless the statutory
6 reasons for confidentiality are shown to exist.

7 (C) If a child whose records are sought has died, and documents
8 are sought pursuant to this paragraph, no weighing or balancing
9 of the interests of those other than a child is permitted.

10 (D) A petition filed under this paragraph shall be served on
11 interested parties by the petitioner, if the petitioner is in possession
12 of their identity and address, and on the custodian of records. Upon
13 receiving a petition, the custodian of records shall serve a copy of
14 the request upon all interested parties that have not been served
15 by the petitioner or on the interested parties served by the petitioner
16 if the custodian of records possesses information, such as a more
17 recent address, indicating that the service by the petitioner may
18 have been ineffective.

19 (E) The custodian of records shall serve the petition within 10
20 calendar days of receipt. If any interested party, including the
21 custodian of records, objects to the petition, the party shall file and
22 serve the objection on the petitioning party no later than 15
23 calendar days after service of the petition.

24 (F) The petitioning party shall have 10 calendar days to file any
25 reply. The juvenile court shall set the matter for hearing no more
26 than 60 calendar days from the date the petition is served on the
27 custodian of records. The court shall render its decision within 30
28 days of the hearing. The matter shall be decided solely upon the
29 basis of the petition and supporting exhibits and declarations, if
30 any, the objection and any supporting exhibits or declarations, if
31 any, and the reply and any supporting declarations or exhibits
32 thereto, and argument at hearing. The court may solely upon its
33 own motion order the appearance of witnesses. If no objection is
34 filed to the petition, the court shall review the petition and issue
35 its decision within 10 calendar days of the final day for filing the
36 objection. Any order of the court shall be immediately reviewable
37 by petition to the appellate court for the issuance of an
38 extraordinary writ.

1 (3) Access to juvenile case files pertaining to matters within the
2 jurisdiction of the juvenile court pursuant to Section 300 shall be
3 limited as follows:

4 (A) If a juvenile case file, or any portion thereof, is privileged
5 or confidential pursuant to any other state law or federal law or
6 regulation, the requirements of that state law or federal law or
7 regulation prohibiting or limiting release of the juvenile case file
8 or any portions thereof shall prevail. Unless a person is listed in
9 subparagraphs (A) to (O), inclusive, of paragraph (1) and is entitled
10 to access under the other state law or federal law or regulation
11 without a court order, all those seeking access, pursuant to other
12 authorization, to portions of, or information relating to the contents
13 of, juvenile case files protected under another state law or federal
14 law or regulation, shall petition the juvenile court. The juvenile
15 court may only release the portion of, or information relating to
16 the contents of, juvenile case files protected by another state law
17 or federal law or regulation if disclosure is not detrimental to the
18 safety, protection, or physical or emotional well-being of a child
19 who is directly or indirectly connected to the juvenile case that is
20 the subject of the petition. This paragraph shall not be construed
21 to limit the ability of the juvenile court to carry out its duties in
22 conducting juvenile court proceedings.

23 (B) Prior to the release of the juvenile case file or any portion
24 thereof, the court shall afford due process, including a notice of
25 and an opportunity to file an objection to the release of the record
26 or report to all interested parties.

27 (4) A juvenile case file, any portion thereof, and information
28 relating to the content of the juvenile case file, may not be
29 disseminated by the receiving agencies to any persons or agencies,
30 other than those persons or agencies authorized to receive
31 documents pursuant to this section. Further, a juvenile case file,
32 any portion thereof, and information relating to the content of the
33 juvenile case file, may not be made as an attachment to any other
34 documents without the prior approval of the presiding judge of the
35 juvenile court, unless it is used in connection with and in the course
36 of a criminal investigation or a proceeding brought to declare a
37 person a dependent child or ward of the juvenile court.

38 (5) Individuals listed in subparagraphs (A), (B), (C), (D), (E),
39 (F), (H), and (I) of paragraph (1) may also receive copies of the

1 case file. In these circumstances, the requirements of paragraph
2 (4) shall continue to apply to the information received.

3 (b) (1) While the Legislature reaffirms its belief that juvenile
4 court records, in general, should be confidential, it is the intent of
5 the Legislature in enacting this subdivision to provide for a limited
6 exception to juvenile court record confidentiality to promote more
7 effective communication among juvenile courts, family courts,
8 law enforcement agencies, and schools to ensure the rehabilitation
9 of juvenile criminal offenders as well as to lessen the potential for
10 drug use, violence, other forms of delinquency, and child abuse.

11 (2) Notwithstanding subdivision (a), written notice that a minor
12 enrolled in a public school, kindergarten to grade 12, inclusive,
13 has been found by a court of competent jurisdiction to have
14 committed any felony or any misdemeanor involving curfew,
15 gambling, alcohol, drugs, tobacco products, carrying of weapons,
16 a sex offense listed in Section 290 of the Penal Code, assault or
17 battery, larceny, vandalism, or graffiti shall be provided by the
18 court, within seven days, to the superintendent of the school district
19 of attendance. Written notice shall include only the offense found
20 to have been committed by the minor and the disposition of the
21 minor's case. This notice shall be expeditiously transmitted by the
22 district superintendent to the principal at the school of attendance.
23 The principal shall expeditiously disseminate the information to
24 those counselors directly supervising or reporting on the behavior
25 or progress of the minor. In addition, the principal shall disseminate
26 the information to any teacher or administrator directly supervising
27 or reporting on the behavior or progress of the minor whom the
28 principal believes needs the information to work with the pupil in
29 an appropriate fashion, to avoid being needlessly vulnerable or to
30 protect other persons from needless vulnerability.

31 Any information received by a teacher, counselor, or
32 administrator under this subdivision shall be received in confidence
33 for the limited purpose of rehabilitating the minor and protecting
34 students and staff, and shall not be further disseminated by the
35 teacher, counselor, or administrator, except insofar as
36 communication with the juvenile, his or her parents or guardians,
37 law enforcement personnel, and the juvenile's probation officer
38 is necessary to effectuate the juvenile's rehabilitation or to protect
39 students and staff.

1 An intentional violation of the confidentiality provisions of this
2 paragraph is a misdemeanor punishable by a fine not to exceed
3 five hundred dollars (\$500).

4 (3) If a minor is removed from public school as a result of the
5 court’s finding described in subdivision (b), the superintendent
6 shall maintain the information in a confidential file and shall defer
7 transmittal of the information received from the court until the
8 minor is returned to public school. If the minor is returned to a
9 school district other than the one from which the minor came, the
10 parole or probation officer having jurisdiction over the minor shall
11 so notify the superintendent of the last district of attendance, who
12 shall transmit the notice received from the court to the
13 superintendent of the new district of attendance.

14 (c) Each probation report filed with the court concerning a minor
15 whose record is subject to dissemination pursuant to subdivision
16 (b) shall include on the face sheet the school at which the minor
17 is currently enrolled. The county superintendent shall provide the
18 court with a listing of all of the schools within each school district,
19 within the county, along with the name and mailing address of
20 each district superintendent.

21 (d) (1) Each notice sent by the court pursuant to subdivision
22 (b) shall be stamped with the instruction: “Unlawful Dissemination
23 Of This Information Is A Misdemeanor.” Any information received
24 from the court shall be kept in a separate confidential file at the
25 school of attendance and shall be transferred to the minor’s
26 subsequent schools of attendance and maintained until the minor
27 graduates from high school, is released from juvenile court
28 jurisdiction, or reaches the age of 18 years, whichever occurs first.
29 After that time the confidential record shall be destroyed. At any
30 time after the date by which a record required to be destroyed by
31 this section should have been destroyed, the minor or his or her
32 parent or guardian shall have the right to make a written request
33 to the principal of the school that the minor’s school records be
34 reviewed to ensure that the record has been destroyed. Upon
35 completion of any requested review and no later than 30 days after
36 the request for the review was received, the principal or his or her
37 designee shall respond in writing to the written request and either
38 shall confirm that the record has been destroyed or, if the record
39 has not been destroyed, shall explain why destruction has not yet
40 occurred.

1 (2) Except as provided in paragraph (2) of subdivision (b), no
2 liability shall attach to any person who transmits or fails to transmit
3 any notice or information required under subdivision (b).

4 (e) For purposes of this section, a “juvenile case file” means a
5 petition filed in any juvenile court proceeding, reports of the
6 probation officer, and all other documents filed in that case or
7 made available to the probation officer in making his or her report,
8 or to the judge, referee, or other hearing officer, and thereafter
9 retained by the probation officer, judge, referee, or other hearing
10 officer.

11 (f) The persons described in subparagraphs (A), (E), (F), (H),
12 (K), (L), (M), and (N) of paragraph (1) of subdivision (a) include
13 persons serving in a similar capacity for an Indian tribe, reservation,
14 or tribal court when the case file involves a child who is a member
15 of, or who is eligible for membership in, that tribe.

16 (g) A case file that is covered ~~by~~ *by*, or included ~~in~~ *in*, an order
17 of the court sealing a record pursuant to Section 781 or 786 may
18 not be inspected except as specified by Section 781 or 786.

19 *SEC. 2.5. Section 827 of the Welfare and Institutions Code is*
20 *amended to read:*

21 827. (a) (1) Except as provided in Section 828, a case file
22 may be inspected only by the following:

23 (A) Court personnel.

24 (B) The district attorney, a city attorney, or city prosecutor
25 authorized to prosecute criminal or juvenile cases under state law.

26 (C) The minor who is the subject of the proceeding.

27 (D) The minor’s parents or guardian.

28 (E) The attorneys for the parties, judges, referees, other hearing
29 officers, probation officers, and law enforcement officers who are
30 actively participating in criminal or juvenile proceedings involving
31 the minor.

32 (F) The county counsel, city attorney, or any other attorney
33 representing the petitioning agency in a dependency action.

34 (G) The superintendent or designee of the school district where
35 the minor is enrolled or attending school.

36 (H) Members of the child protective agencies as defined in
37 Section 11165.9 of the Penal Code.

38 (I) The State Department of Social Services, to carry out its
39 duties pursuant to Division 9 (commencing with Section 10000),
40 and Part 5 (commencing with Section 7900) of Division 12, of the

1 Family Code to oversee and monitor county child welfare agencies,
2 children in foster care or receiving foster care assistance, and
3 out-of-state placements, Section 10850.4, and paragraph (2).

4 (J) Authorized legal staff or special investigators who are peace
5 officers who are employed by, or who are authorized
6 representatives of, the State Department of Social Services, as
7 necessary to the performance of their duties to inspect, license,
8 and investigate community care facilities, and to ensure that the
9 standards of care and services provided in those facilities are
10 adequate and appropriate and to ascertain compliance with the
11 rules and regulations to which the facilities are subject. The
12 confidential information shall remain confidential except for
13 purposes of inspection, licensing, or investigation pursuant to
14 Chapter 3 (commencing with Section 1500) and Chapter 3.4
15 (commencing with Section 1596.70) of Division 2 of the Health
16 and Safety Code, or a criminal, civil, or administrative proceeding
17 in relation thereto. The confidential information may be used by
18 the State Department of Social Services in a criminal, civil, or
19 administrative proceeding. The confidential information shall be
20 available only to the judge or hearing officer and to the parties to
21 the case. Names that are confidential shall be listed in attachments
22 separate to the general pleadings. The confidential information
23 shall be sealed after the conclusion of the criminal, civil, or
24 administrative hearings, and may not subsequently be released
25 except in accordance with this subdivision. If the confidential
26 information does not result in a criminal, civil, or administrative
27 proceeding, it shall be sealed after the State Department of Social
28 Services decides that no further action will be taken in the matter
29 of suspected licensing violations. Except as otherwise provided in
30 this subdivision, confidential information in the possession of the
31 State Department of Social Services may not contain the name of
32 the minor.

33 (K) Members of children’s multidisciplinary teams, persons, or
34 agencies providing treatment or supervision of the minor.

35 (L) A judge, commissioner, or other hearing officer assigned
36 to a family law case with issues concerning custody or visitation,
37 or both, involving the minor, and the following persons, if actively
38 participating in the family law case: a family court mediator
39 assigned to a case involving the minor pursuant to Article 1
40 (commencing with Section 3160) of Chapter 11 of Part 2 of

1 Division 8 of the Family Code, a court-appointed evaluator or a
2 person conducting a court-connected child custody evaluation,
3 investigation, or assessment pursuant to Section 3111 or 3118 of
4 the Family Code, and counsel appointed for the minor in the family
5 law case pursuant to Section 3150 of the Family Code. Prior to
6 allowing counsel appointed for the minor in the family law case
7 to inspect the file, the court clerk may require counsel to provide
8 a certified copy of the court order appointing him or her as the
9 minor's counsel.

10 (M) ~~A~~ *When acting within the scope of investigative duties of*
11 *an active case, a statutorily authorized or court-appointed*
12 *investigator who is conducting an investigation pursuant to Section*
13 *7663, 7851, or 9001 of the Family Code, or who is actively*
14 *participating in a guardianship case involving a minor pursuant to*
15 *Part 2 (commencing with Section 1500) of Division 4 of the*
16 *Probate Code and acting within the scope of his or her duties in*
17 *that case.*

18 (N) A local child support agency for the purpose of establishing
19 paternity and establishing and enforcing child support orders.

20 (O) Juvenile justice commissions as established under Section
21 225. The confidentiality provisions of Section 10850 shall apply
22 to a juvenile justice commission and its members.

23 (P) Any other person who may be designated by court order of
24 the judge of the juvenile court upon filing a petition.

25 (2) (A) Notwithstanding any other law and subject to
26 subparagraph (A) of paragraph (3), juvenile case files, except those
27 relating to matters within the jurisdiction of the court pursuant to
28 Section 601 or 602, that pertain to a deceased child who was within
29 the jurisdiction of the juvenile court pursuant to Section 300, shall
30 be released to the public pursuant to an order by the juvenile court
31 after a petition has been filed and interested parties have been
32 afforded an opportunity to file an objection. Any information
33 relating to another child or which could identify another child,
34 except for information about the deceased, shall be redacted from
35 the juvenile case file prior to release, unless a specific order is
36 made by the juvenile court to the contrary. Except as provided in
37 this paragraph, the presiding judge of the juvenile court may issue
38 an order prohibiting or limiting access to the juvenile case file, or
39 any portion thereof, of a deceased child only upon a showing by
40 a preponderance of evidence that release of the juvenile case file

1 or any portion thereof is detrimental to the safety, protection, or
2 physical or emotional well-being of another child who is directly
3 or indirectly connected to the juvenile case that is the subject of
4 the petition.

5 (B) This paragraph represents a presumption in favor of the
6 release of documents when a child is deceased unless the statutory
7 reasons for confidentiality are shown to exist.

8 (C) If a child whose records are sought has died, and documents
9 are sought pursuant to this paragraph, no weighing or balancing
10 of the interests of those other than a child is permitted.

11 (D) A petition filed under this paragraph shall be served on
12 interested parties by the petitioner, if the petitioner is in possession
13 of their identity and address, and on the custodian of records. Upon
14 receiving a petition, the custodian of records shall serve a copy of
15 the request upon all interested parties that have not been served
16 by the petitioner or on the interested parties served by the petitioner
17 if the custodian of records possesses information, such as a more
18 recent address, indicating that the service by the petitioner may
19 have been ineffective.

20 (E) The custodian of records shall serve the petition within 10
21 calendar days of receipt. If any interested party, including the
22 custodian of records, objects to the petition, the party shall file and
23 serve the objection on the petitioning party no later than 15
24 calendar days ~~of~~ *after* service of the petition.

25 (F) The petitioning party shall have 10 calendar days to file any
26 reply. The juvenile court shall set the matter for hearing no more
27 than 60 calendar days from the date the petition is served on the
28 custodian of records. The court shall render its decision within 30
29 days of the hearing. The matter shall be decided solely upon the
30 basis of the petition and supporting exhibits and declarations, if
31 any, the objection and any supporting exhibits or declarations, if
32 any, and the reply and any supporting declarations or exhibits
33 thereto, and argument at hearing. The court may solely upon its
34 own motion order the appearance of witnesses. If no objection is
35 filed to the petition, the court shall review the petition and issue
36 its decision within 10 calendar days of the final day for filing the
37 objection. Any order of the court shall be immediately reviewable
38 by petition to the appellate court for the issuance of an
39 extraordinary writ.

1 (3) Access to juvenile case files pertaining to matters within the
2 jurisdiction of the juvenile court pursuant to Section 300 shall be
3 limited as follows:

4 (A) If a juvenile case file, or any portion thereof, is privileged
5 or confidential pursuant to any other state law or federal law or
6 regulation, the requirements of that state law or federal law or
7 regulation prohibiting or limiting release of the juvenile case file
8 or any portions thereof shall prevail. Unless a person is listed in
9 subparagraphs (A) to (O), inclusive, of paragraph (1) and is entitled
10 to access under the other state law or federal law or regulation
11 without a court order, all those seeking access, pursuant to other
12 authorization, to portions of, or information relating to the contents
13 of, juvenile case files protected under another state law or federal
14 law or regulation, shall petition the juvenile court. The juvenile
15 court may only release the portion of, or information relating to
16 the contents of, juvenile case files protected by another state law
17 or federal law or regulation if disclosure is not detrimental to the
18 safety, protection, or physical or emotional well-being of a child
19 who is directly or indirectly connected to the juvenile case that is
20 the subject of the petition. This paragraph shall not be construed
21 to limit the ability of the juvenile court to carry out its duties in
22 conducting juvenile court proceedings.

23 (B) Prior to the release of the juvenile case file or any portion
24 thereof, the court shall afford due process, including a notice of
25 and an opportunity to file an objection to the release of the record
26 or report to all interested parties.

27 (4) A juvenile case file, any portion thereof, and information
28 relating to the content of the juvenile case file, may not be
29 disseminated by the receiving agencies to any persons or agencies,
30 other than those persons or agencies authorized to receive
31 documents pursuant to this section. Further, a juvenile case file,
32 any portion thereof, and information relating to the content of the
33 juvenile case file, may not be made as an attachment to any other
34 documents without the prior approval of the presiding judge of the
35 juvenile court, unless it is used in connection with and in the course
36 of a criminal investigation or a proceeding brought to declare a
37 person a dependent child or ward of the juvenile court.

38 (5) Individuals listed in subparagraphs (A), (B), (C), (D), (E),
39 (F), (H), and (I) of paragraph (1) may also receive copies of the

1 case file. In these circumstances, the requirements of paragraph
2 (4) shall continue to apply to the information received.

3 (b) (1) While the Legislature reaffirms its belief that juvenile
4 court records, in general, should be confidential, it is the intent of
5 the Legislature in enacting this subdivision to provide for a limited
6 exception to juvenile court record confidentiality to promote more
7 effective communication among juvenile courts, family courts,
8 law enforcement agencies, and schools to ensure the rehabilitation
9 of juvenile criminal offenders as well as to lessen the potential for
10 drug use, violence, other forms of delinquency, and child abuse.

11 (2) (A) Notwithstanding subdivision (a), written notice that a
12 minor enrolled in a public school, kindergarten to grade 12,
13 inclusive, has been found by a court of competent jurisdiction to
14 have committed any felony or any misdemeanor involving curfew,
15 gambling, alcohol, drugs, tobacco products, carrying of weapons,
16 a sex offense listed in Section 290 of the Penal Code, assault or
17 battery, larceny, vandalism, or graffiti shall be provided by the
18 court, within seven days, to the superintendent of the school district
19 of attendance. Written notice shall include only the offense found
20 to have been committed by the minor and the disposition of the
21 minor's case. This notice shall be expeditiously transmitted by the
22 district superintendent to the principal at the school of attendance.
23 The principal shall expeditiously disseminate the information to
24 those counselors directly supervising or reporting on the behavior
25 or progress of the minor. In addition, the principal shall disseminate
26 the information to any teacher or administrator directly supervising
27 or reporting on the behavior or progress of the minor whom the
28 principal believes needs the information to work with the pupil in
29 an appropriate fashion, to avoid being needlessly vulnerable or to
30 protect other persons from needless vulnerability.

31 ~~Any~~

32 (B) *Any* information received by a teacher, counselor, or
33 administrator under this subdivision shall be received in confidence
34 for the limited purpose of rehabilitating the minor and protecting
35 students and staff, and shall not be further disseminated by the
36 teacher, counselor, or administrator, except insofar as
37 communication with the juvenile, his or her parents or guardians,
38 law enforcement personnel, and the juvenile's probation officer
39 is necessary to effectuate the juvenile's rehabilitation or to protect
40 students and staff.

1 ~~An~~

2 (C) *An* intentional violation of the confidentiality provisions of
3 this paragraph is a misdemeanor punishable by a fine not to exceed
4 five hundred dollars (\$500).

5 (3) If a minor is removed from public school as a result of the
6 court's finding described in subdivision (b), the superintendent
7 shall maintain the information in a confidential file and shall defer
8 transmittal of the information received from the court until the
9 minor is returned to public school. If the minor is returned to a
10 school district other than the one from which the minor came, the
11 parole or probation officer having jurisdiction over the minor shall
12 so notify the superintendent of the last district of attendance, who
13 shall transmit the notice received from the court to the
14 superintendent of the new district of attendance.

15 (c) Each probation report filed with the court concerning a minor
16 whose record is subject to dissemination pursuant to subdivision
17 (b) shall include on the face sheet the school at which the minor
18 is currently enrolled. The county superintendent shall provide the
19 court with a listing of all of the schools within each school district,
20 within the county, along with the name and mailing address of
21 each district superintendent.

22 (d) (1) Each notice sent by the court pursuant to subdivision
23 (b) shall be stamped with the instruction: "Unlawful Dissemination
24 Of This Information Is A Misdemeanor." Any information received
25 from the court shall be kept in a separate confidential file at the
26 school of attendance and shall be transferred to the minor's
27 subsequent schools of attendance and maintained until the minor
28 graduates from high school, is released from juvenile court
29 jurisdiction, or reaches the age of 18 years, whichever occurs first.
30 After that time the confidential record shall be destroyed. At any
31 time after the date by which a record required to be destroyed by
32 this section should have been destroyed, the minor or his or her
33 parent or guardian shall have the right to make a written request
34 to the principal of the school that the minor's school records be
35 reviewed to ensure that the record has been destroyed. Upon
36 completion of any requested review and no later than 30 days after
37 the request for the review was received, the principal or his or her
38 designee shall respond in writing to the written request and either
39 shall confirm that the record has been destroyed or, if the record

1 has not been destroyed, shall explain why destruction has not yet
2 occurred.

3 (2) Except as provided in paragraph (2) of subdivision (b), no
4 liability shall attach to any person who transmits or fails to transmit
5 any notice or information required under subdivision (b).

6 (e) For purposes of this section, a “juvenile case file” means a
7 petition filed in any juvenile court proceeding, reports of the
8 probation officer, and all other documents filed in that case or
9 made available to the probation officer in making his or her report,
10 or to the judge, referee, or other hearing officer, and thereafter
11 retained by the probation officer, judge, referee, or other hearing
12 officer.

13 (f) The persons described in subparagraphs (A), (E), (F), (H),
14 (K), (L), (M), and (N) of paragraph (1) of subdivision (a) include
15 persons serving in a similar capacity for an Indian tribe, reservation,
16 or tribal court when the case file involves a child who is a member
17 of, or who is eligible for membership in, that tribe.

18 (g) *A case file that is covered by, or included in, an order of the*
19 *court sealing a record pursuant to Section 781 or 786 may not be*
20 *inspected except as specified by Section 781 or 786.*

21 SEC. 3. Section 827.9 of the Welfare and Institutions Code is
22 amended to read:

23 827.9. (a) It is the intent of the Legislature to reaffirm its belief
24 that records or information gathered by law enforcement agencies
25 relating to the taking of a minor into custody, temporary custody,
26 or detention (juvenile police records) should be confidential.
27 Confidentiality is necessary to protect those persons from being
28 denied various opportunities, to further the rehabilitative efforts
29 of the juvenile justice system, and to prevent the lifelong stigma
30 that results from having a juvenile police record. Although these
31 records generally should remain confidential, the Legislature
32 recognizes that certain circumstances require the release of juvenile
33 police records to specified persons and entities. The purpose of
34 this section is to clarify the persons and entities entitled to receive
35 a complete copy of a juvenile police record, to specify the persons
36 or entities entitled to receive copies of juvenile police records with
37 certain identifying information about other minors removed from
38 the record, and to provide procedures for others to request a copy
39 of a juvenile police record. This section does not govern the release
40 of police records involving a minor who is the witness to or victim

1 of a crime who is protected by other laws including, but not limited
2 to, Section 841.5 of the Penal Code, Section 11167 et seq. of the
3 Penal Code, and Section 6254 of the Government Code.

4 (b) Except as provided in Sections 389, 781, and 786 of this
5 code or Section 1203.45 of the Penal Code, a law enforcement
6 agency shall release, upon request, a complete copy of a juvenile
7 police record, as defined in subdivision (m), without notice or
8 consent from the person who is the subject of the juvenile police
9 record to the following persons or entities:

10 (1) Other law enforcement agencies including the office of the
11 Attorney General of California, any district attorney, the
12 Department of Corrections and Rehabilitation, including the
13 Division of Juvenile Justice, and any peace officer as specified in
14 subdivision (a) of Section 830.1 of the Penal Code.

15 (2) School district police.

16 (3) Child protective agencies as defined in Section 11165.9 of
17 the Penal Code.

18 (4) The attorney representing the juvenile who is the subject of
19 the juvenile police record in a criminal or juvenile proceeding.

20 (5) The Department of Motor Vehicles.

21 (c) Except as provided in Sections 389, 781, and 786 of this
22 code or Section 1203.45 of the Penal Code, law enforcement
23 agencies shall release, upon request, a copy of a juvenile police
24 record to the following persons and entities only if identifying
25 information pertaining to any other juvenile, within the meaning
26 of subdivision (n), has been removed from the record:

27 (1) The person who is the subject of the juvenile police record.

28 (2) The parents or guardian of a minor who is the subject of the
29 juvenile police record.

30 (3) An attorney for a parent or guardian of a minor who is the
31 subject of the juvenile police record.

32 (d) (1) (A) If a person or entity listed in subdivision (c) seeks
33 to obtain a complete copy of a juvenile police record that contains
34 identifying information concerning the taking into custody or
35 detention of any other juvenile, within the meaning of subdivision
36 (n), who is not a dependent child or a ward of the juvenile court,
37 that person or entity shall submit a completed Petition to Obtain
38 Report of Law Enforcement Agency, as developed pursuant to
39 subdivision (i), to the appropriate law enforcement agency. The
40 law enforcement agency shall send a notice to the following

1 persons that a Petition to Obtain Report of Law Enforcement
2 Agency has been submitted to the agency:

3 (i) The juvenile about whom information is sought.

4 (ii) The parents or guardian of any minor described in clause
5 (i). The law enforcement agency shall make reasonable efforts to
6 obtain the address of the parents or guardian.

7 (B) For purposes of responding to a request submitted pursuant
8 to this subdivision, a law enforcement agency may check the
9 Juvenile Automated Index or may contact the juvenile court to
10 determine whether a person is a dependent child or a ward of the
11 juvenile court and whether parental rights have been terminated
12 or the juvenile has been emancipated.

13 (C) The notice sent pursuant to this subdivision shall include
14 the following information:

15 (i) The identity of the person or entity requesting a copy of the
16 juvenile police record.

17 (ii) A copy of the completed Petition to Obtain Report of Law
18 Enforcement Agency.

19 (iii) The time period for submitting an objection to the law
20 enforcement agency, which shall be 20 days if notice is provided
21 by mail or confirmed fax, or 15 days if notice is provided by
22 personal service.

23 (iv) The means to submit an objection.

24 A law enforcement agency shall issue notice pursuant to this
25 section within 20 days of the request. If no objections are filed,
26 the law enforcement agency shall release the juvenile police record
27 within 15 days of the expiration of the objection period.

28 (D) If any objections to the disclosure of the other juvenile's
29 information are submitted to the law enforcement agency, the law
30 enforcement agency shall send the completed Petition to Obtain
31 Report of Law Enforcement Agency, the objections, and a copy
32 of the requested juvenile police record to the presiding judge of
33 the juvenile court or, in counties with no presiding judge of the
34 juvenile court, the judge of the juvenile court or his or her designee,
35 to obtain authorization from the court to release a complete copy
36 of the juvenile police record.

37 (2) If a person or entity listed in subdivision (c) seeks to obtain
38 a complete copy of a juvenile police record that contains identifying
39 information concerning the taking into custody or detention of any
40 other juvenile, within the meaning of subdivision (n), who is a

1 dependent child or a ward of the juvenile court, that person or
2 entity shall submit a Petition to Obtain Report of Law Enforcement
3 Agency, as developed pursuant to subdivision (i), to the appropriate
4 law enforcement agency. The law enforcement agency shall send
5 that Petition to Obtain Report of Law Enforcement Agency and a
6 completed petition for authorization to release the information to
7 that person or entity along with a complete copy of the requested
8 juvenile police record to the presiding judge of the juvenile court,
9 or, in counties with no presiding judge of the juvenile court, the
10 judge of the juvenile court or his or her designees. The juvenile
11 court shall provide notice of the petition for authorization to the
12 following persons:

13 (A) If the person who would be identified if the information is
14 released is a minor who is a dependent child of the juvenile court,
15 notice of the petition shall be provided to the following persons:

16 (i) The minor.

17 (ii) The attorney of record for the minor.

18 (iii) The parents or guardian of the minor, unless parental rights
19 have been terminated.

20 (iv) The child protective agency responsible for the minor.

21 (v) The attorney representing the child protective agency
22 responsible for the minor.

23 (B) If the person who would be identified if the information is
24 released is a ward of the juvenile court, notice of the petition shall
25 be provided to the following:

26 (i) The ward.

27 (ii) The attorney of record for the ward.

28 (iii) The parents or guardian of the ward if the ward is under 18
29 years of age, unless parental rights have been terminated.

30 (iv) The district attorney.

31 (v) The probation department.

32 (e) Except as otherwise provided in this section or in Sections
33 389, 781, and 786 of this code or Section 1203.45 of the Penal
34 Code, law enforcement agencies shall release copies of juvenile
35 police records to any other person designated by court order upon
36 the filing of a Petition to Obtain Report of Law Enforcement
37 Agency with the juvenile court. The petition shall be filed with
38 the presiding judge of the juvenile court, or, in counties with no
39 presiding judge of the juvenile court, the judge of the juvenile

1 court or his or her designee, in the county where the juvenile police
2 record is maintained.

3 (f) (1) After considering the petition and any objections
4 submitted to the juvenile court pursuant to paragraph (1) or (2) of
5 subdivision (d), the court shall determine whether the law
6 enforcement agency may release a complete copy of the juvenile
7 police record to the person or entity that submitted the request.

8 (2) In determining whether to authorize the release of a juvenile
9 police record, the court shall balance the interests of the juvenile
10 who is the subject of the record, the petitioner, and the public. The
11 juvenile court may issue orders prohibiting or limiting the release
12 of information contained in the juvenile police record. The court
13 may also deny the existence of a juvenile police record where the
14 record is properly sealed or the juvenile who is the subject of the
15 record has properly denied its existence.

16 (3) Prior to authorizing the release of any juvenile police record,
17 the juvenile court shall ensure that notice and an opportunity to
18 file an objection to the release of the record has been provided to
19 the juvenile who is the subject of the record or who would be
20 identified if the information is released, that person’s parents or
21 guardian if he or she is under 18 years of age, and any additional
22 person or entity described in subdivision (d), as applicable. The
23 period for filing an objection shall be 20 days from the date notice
24 is given if notice is provided by mail or confirmed fax and 15 days
25 from the date notice is given if notice is provided by personal
26 service. If review of the petition is urgent, the petitioner may file
27 a motion with the presiding judge of the juvenile court showing
28 good cause why the objection period should be shortened. The
29 court shall issue a ruling on the completed petition within 15 days
30 of the expiration of the objection period.

31 (g) Any out-of-state entity comparable to the California entities
32 listed in paragraphs (1) to (5), inclusive, of subdivision (b) shall
33 file a petition with the presiding judge of the juvenile court in the
34 county where the juvenile police record is maintained in order to
35 receive a copy of a juvenile police record. A petition from that
36 entity may be granted on an ex parte basis.

37 (h) Nothing in this section shall require the release of
38 confidential victim or witness information protected by other laws
39 including, but not limited to, Section 841.5 of the Penal Code,

1 Section 11167 et seq. of the Penal Code, and Section 6254 of the
2 Government Code.

3 (i) The Judicial Council, in consultation with the California Law
4 Enforcement Association of Record Supervisors (CLEARs), shall
5 develop forms for distribution by law enforcement agencies to the
6 public to implement this section. Those forms shall include, but
7 are not limited to, the Petition to Obtain Report of Law
8 Enforcement Agency. The material for the public shall include
9 information about the persons who are entitled to a copy of the
10 juvenile police record and the specific procedures for requesting
11 a copy of the record if a petition is necessary. The Judicial Council
12 shall provide law enforcement agencies with suggested forms for
13 compliance with the notice provisions set forth in subdivision (d).

14 (j) Any information received pursuant to subdivisions (a) to (e),
15 inclusive, and (g) of this section shall be received in confidence
16 for the limited purpose for which it was provided and shall not be
17 further disseminated. An intentional violation of the confidentiality
18 provisions of this section is a misdemeanor, punishable by a fine
19 not to exceed five hundred dollars (\$500).

20 (k) A court shall consider any information relating to the taking
21 of a minor into custody, if the information is not contained in a
22 record ~~which~~ *that* has been sealed, for purposes of determining
23 whether an adjudication of the commission of a crime as a minor
24 warrants a finding that there are circumstances in aggravation
25 pursuant to Section 1170 of the Penal Code or to deny probation.

26 (l) When a law enforcement agency has been notified pursuant
27 to Section 1155 that a minor has escaped from a secure detention
28 facility, the law enforcement agency shall release the name of, and
29 any descriptive information about, the minor to a person who
30 specifically requests this information. The law enforcement agency
31 may release the information on the minor without a request to do
32 so if it finds that release of the information would be necessary to
33 assist in recapturing the minor or that it would be necessary to
34 protect the public from substantial physical harm.

35 (m) For purposes of this section, a “juvenile police record”
36 refers to records or information relating to the taking of a minor
37 into custody, temporary custody, or detention.

38 (n) For purposes of this section, with respect to a juvenile police
39 record, “any other juvenile” refers to additional minors who were

1 taken into custody or temporary custody, or detained and who also
 2 could be considered a subject of the juvenile police record.

3 (o) An evaluation of the efficacy of the procedures for the
 4 release of police records containing information about minors as
 5 described in this section shall be conducted by the juvenile court
 6 and law enforcement in Los Angeles County and the results of that
 7 evaluation shall be reported to the Legislature on or before
 8 December 31, 2006.

9 (p) This section shall only apply to Los Angeles County.

10 SEC. 4. Section 828 of the Welfare and Institutions Code is
 11 amended to read:

12 828. (a) Except as provided in Sections 389, 781, 786, and
 13 827.9 of this code or Section 1203.45 of the Penal Code, any
 14 information gathered by a law enforcement agency, including the
 15 Department of Justice, relating to the taking of a minor into custody
 16 may be disclosed to another law enforcement agency, including a
 17 school district police or security department, or to any person or
 18 agency ~~which~~ *that* has a legitimate need for the information for
 19 purposes of official disposition of a case. When the disposition of
 20 a taking into custody is available, it shall be included with any
 21 information disclosed.

22 A court shall consider any information relating to the taking of
 23 a minor into custody, if the information is not contained in a record
 24 ~~which~~ *that* has been sealed, for purposes of determining whether
 25 adjudications of commission of crimes as a juvenile warrant a
 26 finding that there are circumstances in aggravation pursuant to
 27 Section 1170 of the Penal Code or to deny probation.

28 (b) When a law enforcement agency has been notified pursuant
 29 to Section 1155 that a minor has escaped from a secure detention
 30 facility, the law enforcement agency shall release the name of, and
 31 any descriptive information about, the minor to a person who
 32 specifically requests this information. The law enforcement agency
 33 may release the information on the minor without a request to do
 34 so if it finds that release of the information would be necessary to
 35 assist in recapturing the minor or that it would be necessary to
 36 protect the public from substantial physical harm.

37 *SEC. 5. Section 2.5 of this bill incorporates amendments to*
 38 *Section 827 of the Welfare and Institutions Code proposed by both*
 39 *this bill and Assembly Bill 2872. It shall only become operative if*
 40 *(1) both bills are enacted and become effective on or before*

- 1 *January 1, 2017, (2) each bill amends Section 827 of the Welfare*
- 2 *and Institutions Code, and (3) this bill is enacted after Assembly*
- 3 *Bill 2872, in which case Section 2 of this bill shall not become*
- 4 *operative.*

O