

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/9/99 S3/10/99 S3/18/99

A Bill

SENATE BILL 206

5 By: Senator Edwards
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 9-27-352 REGARDING
10 THE CONFIDENTIALITY OF JUVENILE RECORDS; AND FOR OTHER
11 PURPOSES. "
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Subtitle

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14 "TO AMEND ARKANSAS CODE § 9-27-352
15 REGARDING THE CONFIDENTIALITY OF
16 JUVENILE RECORDS. "
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 9-27-352 is amended to read as follows:

22 "9-27-352. Confidentiality of records.

23 (a) Records of the arrest of a juvenile, the detention of a juvenile,
24 and of proceedings under this subchapter shall be confidential and shall not
25 be subject to disclosure under the Arkansas Freedom of Information Act, § 25-
26 19-101 et seq., unless:

27 (1) Authorized by a written order of the juvenile court; or

28 (2) The arrest or the proceedings under this subchapter result in
29 the juvenile being formally charged in circuit court for a felony.

30 (b) ~~This section shall be supplemental to all other provisions of this~~
31 ~~subchapter.~~ Information regarding the arrest or detention of a juvenile, and
32 related proceedings under this subchapter shall be confidential unless the
33 exchange of information is for the purpose of obtaining services for the
34 juvenile or to ensure public safety, is reasonably necessary to achieve one or
35 both purposes, and is pursuant to a written order by the Juvenile Judge.

36 (c) The information may only be given to the following persons:

- 1 (A) School counselor;
- 2 (B) Juvenile court probation officer or caseworker;
- 3 (C) Law enforcement officer;
- 4 (D) Spiritual representative designated by the juvenile or
5 his parent or legal guardian;
- 6 (E) Department of Human Services caseworker;
- 7 (F) Community based provider designated by the court, the
8 school, or the parent or legal guardian of the juvenile;
- 9 (G) Department of Health representative; or,
- 10 (H) The juvenile's guardian ad litem or other court-
11 appointed special advocate.

12 (d) The persons listed in subsection (c) may assemble to exchange
13 information to discuss options for assistance for the juvenile, to develop and
14 implement a plan of action to assist the juvenile and to ensure public safety.

15 (e) The juvenile and his parents or legal guardian shall be notified
16 within a reasonable time before and may attend any meeting of the persons
17 referred to in subsection (b)(2) when three (3) or more individuals meet to
18 discuss assistance for the juvenile or protection of the public due to the
19 juvenile's behavior.

20 (f) Medical records, psychiatric records, psychological records, and
21 information related thereto shall remain confidential unless the juvenile's
22 parent or legal guardian waives confidentiality in writing specifically
23 describing the records to be disclosed between the persons listed in
24 subsection (c) and the purpose for the disclosure.

25 (g) Persons listed in subsection (c) who exchange any information
26 referred to above may be held civilly liable for disclosure of the information
27 wherein the person did not comply with limitations set forth herein."

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29 SECTION 2. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/ Edwards

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