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SENATE JOINT RESOLUTION NO. 24

Offered January 8, 2014

Prefiled December 30, 2013

Directing the Virginia State Crime Commission to study expungement of juvenile records. Report.

Patrons—Favola and Ebbin

Referred to Committee on Rules

WHEREAS, court records of juveniles found guilty of a delinquent act that would be a felony if committed by an adult are indefinitely retained; and

WHEREAS, court records of juveniles adjudicated delinquent of all other offenses are retained until the juvenile has reached the age of 19 years and five years have elapsed since the date of the last hearing in the case or until the juvenile has reached the age of 29 for certain motor vehicle offenses; and

WHEREAS, having a juvenile record can have a profound effect on a juvenile throughout his life, sometimes making it difficult to obtain employment, gain admission to an institution of higher education, and find housing; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study expungement of juvenile records.

In conducting its study, the Virginia State Crime Commission shall (i) review all laws related to confidentiality and retention of juvenile court records, (ii) report on at what time and by whom juvenile record information can be accessed, (iii) determine whether existing confidentiality and destruction of records laws are being complied with, (iv) examine the impact on youthful offenders of having a juvenile record, and (v) make recommendations regarding improvements in the laws that would assist juvenile offenders while allowing law enforcement to maintain the safety of the citizens of the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2014, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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