

LD6351625

SENATE BILL NO. 886

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 25, 1995)

(Patron Prior to Substitute—Senator Calhoun)

A BILL to amend and reenact § 16.1-309.1 of the Code of Virginia, relating to juvenile court records; exception to confidentiality.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-309.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-309.1. Exception as to confidentiality.

Notwithstanding any other provision of this article where consideration of public interest requires, the judge shall, *upon request*, make available to the public the name and address of a juvenile and the nature of the offense for which a juvenile has been adjudicated delinquent (i) for an act *committed prior to July 1, 1995*, which would be a Class 1, 2 or 3 felony, forcible rape, robbery or burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 if committed by an adult or (ii) in any case where a juvenile is sentenced as an adult in circuit court *for any offense committed prior to July 1, 1995*.

Whenever a child fourteen years of age or older is adjudicated delinquent on the basis of an act committed on or after July 1, 1995, which would be a felony if committed by an adult, the court shall, upon request, make available to the public the name and address of the juvenile, the nature of the offense for which he has been adjudicated delinquent and the disposition imposed by the court.

~~Whenever~~ Additionally, whenever a juvenile, charged with a delinquent act which would be forcible rape, robbery, burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 or a Class 1, 2, or 3 felony if committed by an adult, becomes a fugitive from justice any time prior to or after final disposition of the charge, the attorney for the Commonwealth or, upon notice to the Commonwealth's attorney, the Department of Youth and Family Services or a locally operated court services unit may petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public.

Upon the request of a victim of a delinquent act which would be a felony if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-299.1.

Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been terminated, or (iii) there has not been a judicial determination that the order is void ab initio. #