

LD0583344

HOUSE BILL NO. 464

Offered January 24, 1994

A BILL to amend and reenact §§ 2.1-342, 15.1-135.1, and 16.1-309.1 of the Code of Virginia, relating to confidentiality of juvenile records.

Patron—Mayer

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-342, 15.1-135.1, and 16.1-309.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-342. Official records to be open to inspection; procedure for requesting records and responding to request; charges; exceptions to application of chapter.

A. Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizens of this Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of this Commonwealth, representatives of newspapers and magazines with circulation in this Commonwealth, and representatives of radio and television stations broadcasting in or into this Commonwealth. The custodian of such records shall take all necessary precautions for their preservation and safekeeping. Any public body covered under the provisions of this chapter shall make an initial response to citizens requesting records open to inspection within five work days after the receipt of the request by the public body which is the custodian of the requested records. Such citizen request shall designate the requested records with reasonable specificity. A specific reference to this chapter by the requesting citizen in his request shall not be necessary to invoke the provisions of this chapter and the time limits for response by the public body. The response by the public body within such five work days shall be one of the following responses:

1. The requested records shall be provided to the requesting citizen.

2. If the public body determines that an exemption applies to all of the requested records, it may refuse to release such records and provide to the requesting citizen a written explanation as to why the records are not available with the explanation making specific reference to the applicable Code sections which make the requested records exempt.

3. If the public body determines that an exemption applies to a portion of the requested records, it may delete or excise that portion of the records to which an exemption applies, disclose the remainder of the requested records and provide to the requesting citizen a written explanation as to why these portions of the record are not available to the requesting citizen with the explanation making specific reference to the applicable Code sections which make that portion of the requested records exempt. Any reasonably segregable portion of an official record shall be provided to any person requesting the record after the deletion of the exempt portion.

4. If the public body determines that it is practically impossible to provide the requested records or to determine whether they are available within the five-work-day period, the public body shall so inform the requesting citizen and shall have an additional seven work days in which to provide one of the three preceding responses.

Nothing in this section shall prohibit any public body from petitioning the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with this petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

The public body may make reasonable charges for the copying, search time and computer time expended in the supplying of such records; however, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than fifty acres. Such charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The public body may require the advance payment of charges which are subject to advance determination.

In any case where a public body determines in advance that search and copying charges for producing the requested documents are likely to exceed \$200, the public body may, before continuing to process the request, require the citizen requesting the information to agree to payment of an amount not

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HB464

60 to exceed the advance determination by five percent. The period within which the public body must
61 respond under this section shall be tolled for the amount of time that elapses between notice of the
62 advance determination and the response of the citizen requesting the information.

63 Official records maintained by a public body on a computer or other electronic data processing
64 system which are available to the public under the provisions of this chapter shall be made reasonably
65 accessible to the public at reasonable cost.

66 Public bodies shall not be required to create or prepare a particular requested record if it does not
67 already exist. Public bodies may, but shall not be required to, abstract or summarize information from
68 official records or convert an official record available in one form into another form at the request of
69 the citizen. The public body shall make reasonable efforts to reach an agreement with the requester
70 concerning the production of the records requested.

71 Failure to make any response to a request for records shall be a violation of this chapter and deemed
72 a denial of the request.

73 B. The following records are excluded from the provisions of this chapter but may be disclosed by
74 the custodian in his discretion, except where such disclosure is prohibited by law:

75 1. Memoranda, correspondence, evidence and complaints related to criminal investigations; reports
76 submitted to the state and local police, to investigators authorized pursuant to § 53.1-16 and to the
77 campus police departments of public institutions of higher education as established by Chapter 17
78 (§ 23-232 et seq.) of Title 23 in confidence; portions of records of local government crime commissions
79 that would identify individuals providing information about crimes or criminal activities under a promise
80 of anonymity; records of local police departments relating to neighborhood watch programs that include
81 the names, addresses, and operating schedules of individual participants in the program that are provided
82 to such departments under a promise of confidentiality; and all records of persons imprisoned in penal
83 institutions in this Commonwealth provided such records relate to the imprisonment. ~~Information Except~~
84 *as provided in § 16.1-309.1, information* in the custody of law-enforcement officials relative to the
85 identity of any individual other than a juvenile who is arrested and charged, and the status of the charge
86 or arrest, shall not be excluded from the provisions of this chapter.

87 Criminal incident information relating to felony offenses shall not be excluded from the provisions of
88 this chapter; however, where the release of criminal incident information is likely to jeopardize an
89 ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection,
90 or result in the destruction of evidence, such information may be withheld until the above-referenced
91 damage is no longer likely to occur from release of the information.

92 2. Confidential records of all investigations of applications for licenses and all licensees made by or
93 submitted to the Alcoholic Beverage Control Board or the State Lottery Department.

94 3. State income, business, and estate tax returns, personal property tax returns, scholastic records and
95 personnel records containing information concerning identifiable individuals, except that such access
96 shall not be denied to the person who is the subject thereof, and medical and mental records, except that
97 such records can be personally reviewed by the subject person or a physician of the subject person's
98 choice; however, the subject person's mental records may not be personally reviewed by such person
99 when the subject person's treating physician has made a part of such person's records a written statement
100 that in his opinion a review of such records by the subject person would be injurious to the subject
101 person's physical or mental health or well-being.

102 Where the person who is the subject of medical records is confined in a state or local correctional
103 facility, the administrator or chief medical officer of such facility may assert such confined person's right
104 of access to the medical records if the administrator or chief medical officer has reasonable cause to
105 believe that such confined person has an infectious disease or other medical condition from which other
106 persons so confined need to be protected. Medical records shall be reviewed only and shall not be
107 copied by such administrator or chief medical officer. The information in the medical records of a
108 person so confined shall continue to be confidential and shall not be disclosed to any person except the
109 subject by the administrator or chief medical officer of the facility or except as provided by law.

110 For the purposes of this chapter such statistical summaries of incidents and statistical data concerning
111 patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental
112 Retardation and Substance Abuse Services shall be open to inspection and releasable as provided in
113 subsection A of this section. No such summaries or data shall include any patient-identifying
114 information. Where the person who is the subject of scholastic or medical and mental records is under
115 the age of eighteen, his right of access may be asserted only by his guardian or his parent, including a
116 noncustodial parent, unless such parent's parental rights have been terminated or a court of competent
117 jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof
118 is an emancipated minor or a student in a state-supported institution of higher education, such right of
119 access may be asserted by the subject person.

120 4. Memoranda, working papers and correspondence held or requested by members of the General
121 Assembly or by the office of the Governor or Lieutenant Governor, Attorney General or the mayor or

other chief executive officer of any political subdivision of the Commonwealth or the president or other chief executive officer of any state-supported institution of higher education. This exclusion shall not apply to memoranda, studies or other papers held or requested by the mayor or other chief executive officer of any political subdivision which are specifically concerned with the evaluation of performance of the duties and functions of any locally elected official and were prepared after June 30, 1992.

5. Written opinions of the city, county and town attorneys of the cities, counties and towns in the Commonwealth and any other writing protected by the attorney-client privilege.

6. Memoranda, working papers and records compiled specifically for use in litigation or as a part of an active administrative investigation concerning a matter which is properly the subject of an executive or closed meeting under § 2.1-344 and material furnished in confidence with respect thereto.

7. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment, or (iii) receipt of an honor or honorary recognition.

8. Library records which can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

9. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by any public body.

As used in this subdivision 9, "test or examination" shall include (i) any scoring key for any such test or examination, and (ii) any other document which would jeopardize the security of such test or examination. Nothing contained in this subdivision 9 shall prohibit the release of test scores or results as provided by law, or limit access to individual records as is provided by law. However, the subject of such employment tests shall be entitled to review and inspect all documents relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, such test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

10. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

11. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

12. Memoranda, legal opinions, working papers and records recorded in or compiled exclusively for executive or closed meetings lawfully held pursuant to § 2.1-344.

13. Reports, documentary evidence and other information as specified in §§ 2.1-373.2 and 63.1-55.4.

14. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or § 62.1-134.1.

15. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services and records, documents and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

16. Vendor proprietary information software which may be in the official records of a public body. For the purpose of this section, "vendor proprietary software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of this Commonwealth.

17. Data, records or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher learning, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.

18. Financial statements not publicly available filed with applications for industrial development financings.

19. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

20. Confidential proprietary records, voluntarily provided by private business pursuant to a promise

183 of confidentiality from the Department of Economic Development, used by that Department for business,
184 trade and tourism development.

185 21. Information which was filed as confidential under the Toxic Substances Information Act
186 (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

187 22. Documents as specified in § 58.1-3.

188 23. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis
189 center or a program for battered spouses.

190 24. Computer software developed by or for a state agency, state-supported institution of higher
191 education or political subdivision of the Commonwealth.

192 25. Investigator notes, and other correspondence and information, furnished in confidence with
193 respect to an active investigation of individual employment discrimination complaints made to the
194 Department of Personnel and Training; however, nothing in this section shall prohibit the disclosure of
195 information taken from inactive reports in a form which does not reveal the identity of charging parties,
196 persons supplying the information or other individuals involved in the investigation.

197 26. Fisheries data which would permit identification of any person or vessel, except when required
198 by court order as specified in § 28.2-204.

199 27. Records of active investigations being conducted by the Department of Medical Assistance
200 Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

201 28. Documents and writings furnished by a member of the General Assembly to a meeting of a
202 standing committee, special committee or subcommittee of his house established solely for the purpose
203 of reviewing members' annual disclosure statements and supporting materials filed under § 2.1-639.40 or
204 of formulating advisory opinions to members on standards of conduct, or both.

205 29. Customer account information of a public utility affiliated with a political subdivision of the
206 Commonwealth, including the customer's name and service address, but excluding the amount of utility
207 service provided and the amount of money paid for such utility service.

208 30. Investigative notes and other correspondence and information furnished in confidence with
209 respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice
210 under the Virginia Human Rights Act (§ 2.1-714 et seq.); however, nothing in this section shall prohibit
211 the distribution of information taken from inactive reports in a form which does not reveal the identity
212 of the parties involved or other persons supplying information.

213 31. Investigative notes; proprietary information not published, copyrighted or patented; information
214 obtained from employee personnel records; personally identifiable information regarding residents,
215 clients or other recipients of services; and other correspondence and information furnished in confidence
216 to the Department of Social Services in connection with an active investigation of an applicant or
217 licensee pursuant to Chapters 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; however,
218 nothing in this section shall prohibit disclosure of information from the records of completed
219 investigations in a form that does not reveal the identity of complainants, persons supplying information,
220 or other individuals involved in the investigation.

221 32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other
222 information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or
223 any institution thereof to the extent, as determined by the Director of the Department of Corrections or
224 his designee or of the Virginia Board of Youth and Family Services, the Virginia Department of Youth
225 and Family Services or any facility thereof to the extent as determined by the Director of the
226 Department of Youth and Family Services, or his designee, that disclosure or public dissemination of
227 such materials would jeopardize the security of any correctional or juvenile facility or institution, as
228 follows:

229 (i) Security manuals, including emergency plans that are a part thereof;

230 (ii) Engineering and architectural drawings of correctional and juvenile facilities, and operational
231 specifications of security systems utilized by the Departments, provided the general descriptions of such
232 security systems, cost and quality shall be made available to the public;

233 (iii) Training manuals designed for correctional and juvenile facilities to the extent that they address
234 procedures for institutional security, emergency plans and security equipment;

235 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they
236 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the
237 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

238 (v) Minutes or recordings of divisional, regional and institutional staff meetings or portions thereof to
239 the extent that such minutes deal with security issues listed in (i), (ii), (iii), and (iv) of this subdivision;

240 (vi) Investigative case files by investigators authorized pursuant to § 53.1-16; however, nothing in
241 this section shall prohibit the disclosure of information taken from inactive reports in a form which does
242 not reveal the identity of complainants or charging parties, persons supplying information, confidential
243 sources, or other individuals involved in the investigation, or other specific operational details the
244 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

nothing herein shall permit the disclosure of materials otherwise exempt as set forth in subdivision 1 of subsection B of this section;

(vii) Logs or other documents containing information on movement of inmates, juvenile clients or employees; and

(viii) Documents disclosing contacts between inmates, juvenile clients and law-enforcement personnel.

Notwithstanding the provisions of this subdivision, reports and information regarding the general operations of the Departments, including notice that an escape has occurred, shall be open to inspection and copying as provided in this section.

33. Personal information, as defined in § 2.1-379, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority, (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs, or (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority. However, access to one's own information shall not be denied.

34. Documents regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

35. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior to the completion of such purchase, sale or lease.

36. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body which has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

37. Official records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the State Lottery Department relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

38. Official records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations which cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under subdivisions (iii), (iv) and (v) shall be subject to public disclosure under this chapter upon completion of the study or investigation.

39. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the building code in obtaining a building permit which would identify specific trade secrets or other information the disclosure of which would be harmful to the competitive position of the owner or lessee; however, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

40. [Repealed.]

41. Records concerning reserves established in specific claims administered by the Department of General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of this title, or by any county, city, or town.

42. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Care System pursuant to § 32.1-112.

43. Reports and court documents required to be kept confidential pursuant to § 37.1-67.3.

44. [Repealed.]

45. Investigative notes; correspondence and information furnished in confidence with respect to an investigation; and official records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for the Auditor of Public Accounts and the Joint Legislative Audit and Review

Commission; or investigative notes, correspondence, documentation and information furnished and provided to or produced by or for the Department of the State Internal Auditor with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline; however, nothing in this chapter shall prohibit disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information or other individuals involved in the investigation.

46. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

47. Documentation or other information which describes the design, function, operation or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to data provided in confidence to the Interstate Commerce Commission and the Federal Railroad Administration.

49. In the case of corporations organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, (i) proprietary information provided by, and financial information concerning, coventurers, partners, lessors, lessees, or investors, and (ii) records concerning the condition, acquisition, disposition, use, leasing, development, coventuring, or management of real estate the disclosure of which would have a substantial adverse impact on the value of such real estate or result in a competitive disadvantage to the corporation or subsidiary.

50. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

51. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

52. Patient level data collected by the Virginia Health Services Cost Review Council and not yet processed, verified, and released, pursuant to § 9-166.7, to the Council by the nonprofit organization with which the Executive Director has contracted pursuant to § 9-166.4.

53. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to data provided in confidence to the Interstate Commerce Commission and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

54. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this title shall be construed as denying public access to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personnel records under subdivision 3 of subsection B of this section, or to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to, any public officer, official or employee at any level of state, local or regional government in this Commonwealth or to the compensation or benefits paid by any corporation organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to their officers or employees. The provisions of this subsection, however, shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

§ 15.1-135.1. Certain records to be kept by sheriffs and chiefs of police.

A. It shall be the duty of the sheriff or chief of police of every county, city, or town to insure, in addition to other records required by law, the maintenance of adequate personnel, arrest, investigative, reportable incidents, and noncriminal incidents records necessary for the efficient operation of a law-enforcement agency. Failure of a sheriff or a chief of police to maintain such records or failure to relinquish such records to his successor in office shall constitute a misdemeanor. Former sheriffs or

chiefs of police shall be allowed access to such files for preparation of a defense in any suit or action arising from the performance of their official duties as sheriff or chief of police. The enforcement of this section shall be the duty of the attorney for the Commonwealth of the county or city wherein the violation occurs. Except for information in the custody of law-enforcement officials relative to the identity of any individual ~~other than a juvenile~~ who is arrested and charged, and the status of the charge of arrest, the records required to be maintained by this section shall be exempt from the provisions of Chapter 21 (§§ 2.1-340 to 2.1-346.1) of Title 2.1. *The confidentiality of juvenile records shall be governed by the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1.*

B. For purposes of this section, the following definitions shall apply:

1. "Personnel records" shall mean those records maintained on each and every individual employed by a law-enforcement agency which reflect personal data concerning the employee's age, length of service, amount of training, education, compensation level, and other pertinent personal information.

2. "Arrest records" shall mean a compilation of information, centrally maintained in law-enforcement custody, of any arrest or temporary detention of an individual, including the identity of the person arrested or detained, the nature of the arrest or detention, and the charge, if any.

3. "Investigative records" shall mean the reports of any systematic inquiries or examinations into criminal or suspected criminal acts which have been committed, are being committed, or are about to be committed.

4. "Reportable incidents records" shall mean a compilation of complaints received by a law-enforcement agency and action taken by the agency in response thereto.

5. "Noncriminal incidents records" shall mean compilations of noncriminal occurrences of general interest to law-enforcement agencies, such as missing persons, lost and found property, suicides and accidental deaths.

§ 16.1-309.1. Exception as to confidentiality.

Notwithstanding any other provision of this article, where consideration of public interest requires, the judge may make public the name and address of a ~~child~~ *juvenile* and the nature of the offense for which a ~~child~~ *juvenile* has been adjudicated delinquent (i) for an act which would be a Class 1, 2 or 3 felony, forcible rape or robbery if committed by an adult, and (ii) in any case where a ~~child~~ *juvenile* is sentenced as an adult in accordance with § 16.1-284. *The judge shall make public the name and address of a juvenile age sixteen or older and the nature of the offense for which the juvenile has been adjudicated delinquent if the delinquent act involved the use of a firearm and would be a felony if committed by an adult.*

Whenever a ~~child~~ *juvenile*, charged with a delinquent act which would be forcible rape, robbery or a Class 1, 2, or 3 felony if committed by an adult, *or any delinquent act involving the use of a firearm which would be a felony if committed by an adult*, becomes a fugitive from justice any time prior to final disposition of the charge, the attorney for the Commonwealth may petition the court having jurisdiction of the offense to authorize public release of the ~~child's~~ *juvenile's* name, age, physical description and photograph, the charge for which he is sought and any other information which may expedite his apprehension. Upon a showing that the ~~child~~ *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.

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