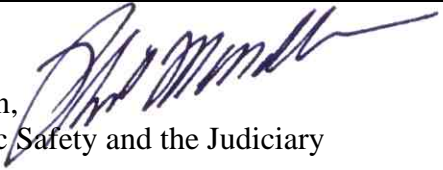


**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Councilmember Phil Mendelson,
Chairman, Committee on Public Safety and the Judiciary 

DATE: June 29, 2010

SUBJECT: Report on Bill 18-344, "Expanding Access to Juvenile Records Amendment Act of 2010"

The Committee on Public Safety and the Judiciary, to which Bill 18-344, the "Expanding Access to Juvenile Records Amendment Act of 2010" was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

[W]hen a shocking crime occurs, a community reaction of outrage and public protest often follows and thereafter the open processes of justice serve an important prophylactic purpose, providing an outlet for community concern, hostility, and emotion ... The crucial prophylactic aspects of the administration of justice cannot function in the dark; no community catharsis can occur if justice is "done in a corner [or] in any covert manner. – Chief Justice Burger¹

Bill 18-344, originally titled the "Information Sharing to Improve Services for Children and Families Act of 2010," amends the law regarding juvenile justice confidentiality to allow for the disclosure of certain information. The changes include:

¹ *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 571-72 (1980).

1. Amends the DYRS establishment act to permit the MPD to access without court order certain records – such as surveillance tapes – in the possession of DYRS when needed for investigating a crime allegedly involving a youth in the custody of DYRS. This amendment addresses a conflict between Titles 2 & 16 of the D.C. Code – the latter permitting “law enforcement officers [access] when necessary for the discharge of their current official duties.” This conflict came into focus June 20th when MPD responded to a melee at New Beginnings but had to get a court order before being able to view video tapes of the melee.
2. Rewrites D.C. Code §§ 16-2331, 16-2332, and 16-2333 (regarding confidentiality) to improve clarity.
3. Gives access to juvenile court records to the Pretrial Services Agency and CSOSA (the Court Services and Offender Supervision Agency).
4. Provides that the following information shall be public information:

A child’s name, the fact that he/she was arrested, the arrest charges, the charges filed in court, whether the child was found guilty (“involved”) and, if so, the charges for which he/she was found guilty, and the child’s initial disposition (i.e., probation or DYRS commitment).

Such information shall be public information only if:

- ❖ The child has been found guilty of a crime of violence or certain dangerous crimes, or found guilty twice of certain other felonies, including UUV, stolen auto, or felony assault; or
- ❖ The individual has been found guilty of any felony or a misdemeanor assault within three years of the conclusion of his juvenile sentence.

The public availability of this information will enable the public to demand accountability of government agencies responsible for prosecuting or rehabilitating juveniles, and will pierce the veil of confidentiality behind which some chronic, violent juvenile offenders seem to thrive.

5. Requires the MPD to publish statistics twice yearly detailing by PSA the number of juveniles arrested, as well as the charge(s) and dates of arrest.
6. Authorizes an official of MPD, Court Social Services, or DYRS to disclose certain information – but not records – about a juvenile delinquent to a school official or mental health professional when, in the professional judgment of the official, disclosure of the information will assist in the protection, welfare, treatment, or rehabilitation of the juvenile.

7. Establishes an Abscondence Review Committee (5 members plus 2 ex officio) to examine what steps could have prevented juvenile abscondence where a homicide, assault with intent to kill, or assault with a deadly weapon (firearm) was committed by or to the juvenile.
8. Preserves the status quo in the current law regarding confidentiality by making explicit that, notwithstanding the public availability of certain information, a juvenile shall not be required to disclose, and shall have the right to refuse disclosure of, his or her juvenile delinquency information in an application for employment, education, or housing.

HISTORY OF THE JUVENILE JUSTICE SYSTEM

The first juvenile court was established in 1899 in Illinois, and within 20 years every state had created juvenile courts modeled after Illinois. The juvenile justice system was founded on the principle that juveniles needed protection and treatment, not just punishment. Various aspects of the system, from intake to adjudication, were built on the idea of promoting rehabilitation. Central to the idea of rehabilitation is the concept of confidentiality – delinquency proceedings and juvenile records were kept from exposure to the media and public scrutiny.

While the courts were not established to actually rehabilitate juveniles, they were designed to refer juveniles to rehabilitative services and institutions. Early reformers of the juvenile justice system believed that the state was acting in *parens patrie*, or “parent of his country,” which “authorizes the state to substitute and enforce judgment about what it believes to be in the best interests of the persons who presumably are unable to take care of themselves.”² Under this view, juveniles were often sent to training schools for indefinite periods of time without regard for the crime or its severity. These reformers believed that a youth’s potential for rehabilitation was jeopardized by the potential humiliation and stigma associated with the involvement in the juvenile justice system. Confidentiality was used as a tool to help “hide youthful errors from the full gaze of the public and bury them in the graveyard of the forgotten past[.]”³ Founders of the juvenile justice system feared that without confidentiality, the public would label a child as a criminal and reject him for his behavior, making it difficult for the child to rehabilitate and re-assimilate back into society.

It became evident that this paternalistic system fell short of its goals. The institutions that were established to rehabilitate juvenile offenders were never implemented as intended – many were overcrowded and punitive, and did not live up to the best intentions of their creators. A re-analysis of the juvenile justice system began with a series of cases focusing on its constitutionality.⁴ Throughout the 1960’s and 1970’s, courts re-examined the system and

² See generally Sacha M. Coupet, Comment, *What To Do With the Sheep in Wolf’s Clothing: The Role of Rhetoric and Reality About Youthful Offenders in the Constructive Dismantling of the Juvenile Justice System*, 148 U. Pa. L. Rev. 1303, 1308 (2000).

³ *In re Gault*, 387 U.S. 1, 24 (1967).

⁴ See, e.g., *United States v. Kent* (stating that “the child receives the worst of both worlds . . . he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.”); *Gault*,

provided juveniles with procedural protections similar to those afforded to adults. But the courts stopped short of total equality by denying juveniles the right to jury trials,⁵ and this, in turn, enabled the continuation of confidentiality.

Due to increased concern over juvenile crime, reformers began looking at changing the goals and structure of the system, including its rehabilitative principles. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act⁶ to thoroughly analyze the juvenile justice system throughout the nation. This study found the system to be ineffective; however, rehabilitation remained the main goal of the system.

In response to these efforts at reform, states began to change their policies regarding juveniles. These changes came in three forms: jurisdictional, jurisprudential, and procedural. Jurisdictional changes include the practice of transferring juveniles to adult court when they reach a certain age or commit particular crimes. Jurisprudential changes include changing the legislative purpose of the juvenile justice system from rehabilitative to punitive and eroding confidentiality provisions. Procedural changes include expanding access to court proceedings and more determinate sentences.

Although confidentiality has been a cornerstone of the juvenile justice system, constitutionally, states do not have to protect the confidentiality of juveniles. Courts have ruled that there are times when competing policy interests outweigh protecting juvenile confidentiality and it is for the legislature to balance the interests of juveniles and the juvenile justice system against the public interest.⁷

THE DISTRICT'S PUBLIC INTEREST

The District's system of juvenile justice has placed "a premium on the rehabilitation of children with the goal of creating productive citizens."⁸ Confidentiality is a cornerstone of the system. Yet many citizens question whether the system of juvenile justice is working successfully. Confidentiality impedes accountability. Thus, many citizens are calling for reform. The Committee has sought to balance these competing interests: crafting reforms that support rehabilitation, preserve confidentiality, yet increase accountability and enable the public to understand whether the system is working.

The crime rate in the District of Columbia is the lowest it has been in years. However, there is a public perception that juvenile crime, especially violent crime, is on the rise. According to Metropolitan Police data:

supra (providing juveniles with a number of procedural rights including representation, notice, confrontation and cross-examination of witnesses, and protection against self-incrimination).

⁵ *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971) (holding that juveniles are not entitled to the constitutional right to a jury trial because the purpose of the juvenile justice system is for treatment and not punishment).

⁶ 88 Stat. 1109 (1974).

⁷ See, e.g., *News Group Boston, Inc. v. Commonwealth*, 568 N.E.2d 600 (Mass. 1991).

⁸ D.C. Official Code § 16-2301.02(5).

Number of Juvenile Arrests (1/1 – 6/5)⁹

Top Arrest Charge	2009	2010
Homicide/Manslaughter	4	7
Assault	323	252
Robbery/Carjacking	128	183
Unauthorized Use of a Vehicle	139	81
Weapons	71	52

The media has drawn attention to several high profile cases involving juveniles. In March 2010, there was a horrible series of shootings in Southeast that left 5 dead, including 4 teenagers, and five others wounded. Several of the perpetrators had juvenile records, and initially it was thought that a 14 year old drove the van from which the shooters struck. In April 2010, three young adults under the supervision of the Department of Youth Rehabilitation Services murdered a District public school teacher. These senseless killings have outraged the public, heightened concern over the effectiveness of juvenile justice, and invigorated criticism of the shroud of confidentiality that envelops the system.

GOVERNMENTAL ACCOUNTABILITY

The shroud of juvenile confidentiality has fostered public mistrust of the juvenile justice system. The perceived lack of government response to public safety concerns creates demands for unreasonable actions. “Only when people see that justice is being done and teen predators are getting put away behind bars are we going to truly restore public confidence in our juvenile justice system.”¹⁰ All too often community members are frustrated when they try to seek information regarding juvenile justice and specific offenders and are given the answer: “I can’t answer.” It is true that certain information is on a need-to-know basis; however, confidentiality is an easy excuse to avoid answering even general questions, and some officials use confidentiality to shield themselves from accountability and owning up to when the government has failed the juvenile, the system, and the public at large.

The principle of juvenile confidentiality needs to be relaxed to promote public confidence in the government’s work. The public has a right to know how agencies such as the Department of Youth Services, the courts, and Court Social Services deal with juvenile offenders. Transparency contributes to the public’s understanding of the system, strengthens their confidence in government and respect for the law, allows the public to obtain information about the agencies it supports financially, and helps prevent the miscarriage of justice.

⁹ These numbers are based on the top arrest charge. One person may have been booked on more than one arrest.

¹⁰ Statement of Governor William F. Weld as he discussed the latest reforms to the Massachusetts juvenile justice system. See Glen Johnson, *Final Phase of Tough New Teen Crime Law Takes Effect*, Associated Press Political Service, Oct. 1, 1996, available at 1996 WL 5409975.

JUVENILE ACCOUNTABILITY

Juveniles who commit violent crimes should no longer be able to hide behind the juvenile justice system's shroud of confidentiality – the gap between lawbreaking and accountability must be tapered. Proponents of confidentiality argue that eroding confidentiality will impose a stigma on juvenile offenders that will impact their future and render more likely decisions to commit new delinquent acts. Confidentiality advocates fear that authority figures and peers who learn about a juvenile's delinquent conduct will forever view the child as deviant and, because they expect the worst, consciously or subconsciously treat the child differently. When children are stigmatized they may develop a poor self-image and/or be socialized into a life of delinquency by responding and acting according to the negative perceptions and expectations. Without confidentiality, juvenile offenders who have rehabilitated themselves will carry the deviant label into adulthood, affecting their education, employment and housing opportunities.

However, some advocates of confidentiality reform argue that accountability can be a motivating factor toward non-delinquent behavior, that secrecy enables repeat offenders to perpetuate their anti-social behavior, and that accountability – less secrecy – forces also the government agencies to do a better job rehabilitating youth.

The Committee is sympathetic to the principle of rehabilitation and sees confidentiality as an important mechanism to help wayward youth transform into productive members of society. However, it is also an important goal to hold the juvenile accountable for his/her actions. Reconciling the different goals of rehabilitation and accountability, Bill 18-344 limits disclosure to a discrete set of instances. Protect a child with "minor" offenses. But not when a juvenile is adjudicated one or more times for serious offenses. Further, it is more likely than not that repeat offenders will go on reoffending, not only as a juvenile but also as an adult. For this class of juvenile offender the public interest should shift from the cloak of confidentiality to the benefits of accountability. Additionally, when an adult, including a Title 16 juvenile tried as an adult, (i.e., re-offends and is convicted of a felony or a misdemeanor assault within 3 years of completing his or her juvenile sentence), the public should be allowed to learn about the individual's juvenile crime history. This individual no longer has a strong argument for rehabilitation and the protection against the stain of stigma. The individual shows that he/she has a propensity to re-offend. His/her an adult record is available for public dissemination, therefore the juvenile law enforcement information should be available as well.

PUBLIC SAFETY

Communities have the right to know the identities of juvenile offenders committing serious crimes in their neighborhoods. Disclosure of juvenile identities after they have committed a heinous crime or repeatedly committed other serious crimes gives communities that are plagued by juvenile crime the benefit of a warning.

Disclosure of information can also protect juveniles who may be accused of delinquent/criminal behavior. Under the current law, the names of juvenile arrestees are

generally not published nor is law enforcement permitted to publicly discuss individual juveniles. However, a local newspaper published the identity of a 14 year old suspect as the driver of the van that carried the gunmen in the tragic shootings that occurred on South Capitol Street on March 30, 2010. Subsequent evidence revealed that the 14 year old was not involved. However, due to the publication of his identity, many in the community still believed the contrary. At the request of the D.C. Attorney General, Superior Court Judge William Jackson signed an order allowing the government to discuss the case in order to publicly clear the name of the 14 year old. Removing confidentiality enabled the government to protect him.

Removing confidentiality allows the public to ask questions about a crime, the police response, and the prosecution. Armed with this knowledge the victims, their families, and the community can hold public safety agencies accountable: Why were charges diminished or dropped? Why is a repeat offender back on the street? Why is rehabilitation failing?

RECORD SEALING

It should be noted that the Committee Print for Bill 18-344 does not actually open up “records” – the detailed court, social, and law enforcement filed regarding juveniles who have been arrested. Rather, the Print simply removes the confidentiality of certain “information,” in certain circumstances.

The Committee believes that the juvenile justice system can still serve in a rehabilitative capacity. The vast majority of juveniles (94%) who become involved in the juvenile justice system do not recidivate.¹¹ Most juvenile offenders do not continue to commit crimes, either as a juvenile or as an adult, after their first encounter with the system. Revealing law enforcement information for every juvenile offender would wrongfully penalize youth who actually rehabilitate and become productive members of society. Studies have shown that publicly disclosing criminal history information can adversely impact employment, educational, and housing opportunities, thereby making it less likely that the individual will refrain from criminal activity. Bill 18-344 includes an amendment to § 16-2335 granting the juvenile the right to refuse to disclose his/her juvenile delinquency history in an application for employment, education or housing, even if that information was disclosed pursuant to the new § 16-2333 (e). This provision is intended to preserve the status quo with regard to confidentiality on these important applications.

CONCLUSION

The Committee hears the concerns of District residents who are frustrated with juvenile crime and the lack of accountability of the juvenile justice agencies. The public interest outweighs maintaining juvenile confidentiality in its current form. The committee print strikes a

¹¹ Bonnie Mangum Braudway, Comment: *Scarlet Letter Punishments for Juveniles: Rehabilitation Through Humiliation?*, 27 Campbell L. Rev. 63, 82 (2004).

proper balance between competing interests. The Committee recommends approval of Bill 18-344, the “Expanding Access to Juvenile Records Amendment Act of 2010,” as amended.

II. LEGISLATIVE CHRONOLOGY

- June 16, 2009 Bill 18-344, the “Information Sharing to Improve Services for Children and Families Act of 2009,” is introduced by Councilmembers Wells and Graham and co-sponsored by Chairman Gray and Councilmembers Alexander, Bowser, K. Brown, M. Brown, and Cheh.
- June 26, 2009 Notice of Intent to act on Bill 18-344 is published in the *D.C. Register*.
- September 4, 2009 Notice of a Public Hearing on Bill 18-344 is published in the *D.C. Register*.
- November 4, 2009 The Committee on Public Safety and the Judiciary holds a public hearing on Bill 18-344. There was no support expressed for the bill.
- June 29, 2010 The Committee on Public Safety and the Judiciary meets to mark-up and vote on the report and committee print of Bill 18-344, the “Expanding Access to Juvenile Records Amendment Act of 2010”.

III. POSITION OF THE EXECUTIVE

The Executive Office of the Mayor provided no witness to testify on Bill 18-344. Written comments were submitted by Peter Nickles, Attorney General for the District of Columbia. The comments express concern about expanding access to juvenile records to people who do not have a legitimate nexus to the youth or his/her family and the provision of services to the youth. Mr. Nickles’ comments also express concern regarding the proposed quarterly reports that would be available to the public of the numbers of individuals under the age of 18 arrested in the District. The Attorney General believes that: 1) the Office of the Attorney General is not the appropriate office to collect and report this information; 2) release of the information may undermine the protections afforded to youth by current confidentiality statutes; and 3) a juvenile’s identity could be deduced using various sources of information which would defeat the purpose of the confidentiality statutes.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

The Committee on Public Safety and the Judiciary held a public hearing on Bill 18-344, the “Information Sharing to Improve Services for Children and Families Act of 2010”, on Wednesday, November 4, 2009. The testimony summarized below is from that hearing. A copy of the testimony is attached to this report.

Kaitlin Dunne, Staff Attorney, American Civil Liberties Union, testified in opposition to Bill 18-344.

Laura Hankins, Special Counsel to the Director, Public Defender Service, testified in opposition to Bill 18-344.

Judith Sandalow, Executive Director, Children’s Law Center, testified in opposition to Bill 18-344.

Kristin Henning, Professor of Law and Co-Director Juvenile Justice Clinic, Georgetown Law Center, testified in opposition to Bill 18-344.

Eve Brooks, MSW, submitted a letter in opposition to Bill 18-344.

Matthew Fraidin, Associate Professor of Law, University of the District of Columbia, David A. Clarke School of Law, submitted comments regarding Bill 18-344. Mr. Fraidin supports the premise of Bill 18-344 but feels the bill needs to go further and allow unlimited public access to Family Court proceedings and records.

VI. IMPACT ON EXISTING LAW

Bill 18-344, the “Expanding Access to Juvenile Records Amendment Act of 2010,” will affect existing law by amending the Department of Youth Rehabilitation Services Establishment Act of 2004, to permit the Metropolitan Police Department access to certain records – such as surveillance tapes – in the possession of the Department of Youth Rehabilitation Services when needed for the investigation of a crime allegedly involving a youth in the custody of the Department.

Additionally, Bill 18-344 rewrites D.C. Code §§ 16-2331, 16-2332, and 16-2333 (regarding the confidentiality of juvenile records) to improve clarity. Section 16-2331 is amended to give access to juvenile case records to the Pretrial Services Agency and the Court Services and Offender Supervision Agency. Section 16-2332 is amended to allow health and human services information that is in the possession of institutions or agencies to be re-disclosed to agencies for the purposes of and accordance with Title I of the Data Sharing of Information Coordination Act of 2010. Section 16-2333 is amended to allow disclosure of a child’s name,

the fact that he/she was arrested, the arrest charges, the charges filed in court, whether the child was found guilty (“involved”) and if so, the charges for which he/she was found guilty, and the child’s initial disposition (i.e., probation or commitment to DYRS). This information shall be public only if the juvenile has been adjudicated of a crime of violence or firearm offense that would be a felony if charged as an adult; or adjudicated 2 or more times of unauthorized use of a vehicle, theft in the first degree where the property obtained or used is a motor vehicle, assault with intent to cause significant bodily injury, or a felony charge of pandering, prostitution or a drug offense, or any combination thereof. Additionally it would allow the disclosure of an adult’s juvenile records, including a Title 16 juvenile tried as an adult, if the adult is convicted of felony or of a misdemeanor assault within 3 years of the completion of his/her juvenile sentence.

Bill 18-344 also amends § 16-2333 to require the Metropolitan Police Department to publish statistics twice yearly detailing by police service area the number of juveniles arrested, as well as the charge(s) and dates of the arrest.

Bill 18-344 will add a new § 16.2332.01 to allow an official of the Family Court, The Department of Youth Rehabilitation Services, or the Metropolitan Police Department to disclose information – but not the records – about a juvenile to a school official, or mental health professional when, in the professional judgment of the official, disclosing the information will assist in the protection, welfare, treatment, or rehabilitation of the juvenile.

Additionally, Bill 18-344 will add a new § 16-2333.02 to establish an Abscondence Review Committee to examine what steps could have prevented a juvenile’s abscondence when a homicide, assault with intent to kill, or assault with a deadly weapon (firearm) was committed by or to the juvenile.

Finally, Bill 18-344 amends § 16-2335 to allow a juvenile to refuse disclosing his/her juvenile delinquency information in any application for employment, education, or housing, even if the history became public information pursuant to this Title.

VII. FISCAL IMPACT

The attached June 23, 2010 fiscal impact statement from the Chief Financial Officer states that funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation.

VIII. SECTION-BY-SECTION ANALYSIS

Section 2 Amends § 2-1515.06 to allow the disclosure of juvenile records to law enforcement personnel conducting an active investigation. Any information disclosed to law enforcement personnel under this section shall remain confidential and may only be re-disclosed pursuant to §§ 16-

16-2332. This will facilitate law enforcement investigations of actively suspected youth. But detailed social records, for example, will not be available through this amendment. On the other hand, if there was a crime committed at a DYRS facility, MPD would be able to have access to security surveillance footage without having to seek a court under pursuant to § 16-2332.

Section 3

a) Amends § 16-2331 by adding new subsections (c)(3)(D) and (F) to allow the Pretrial Services Agency of the District of Columbia and the Court Services and Offender Supervision Agency for the District of Columbia access to juvenile case records. Additionally, a new subsection (c)(4)(F) was added to allow members of the newly created Juvenile Abscondence Review Committee access to juvenile case records to assist them in reviewing cases regarding any homicide, attempted homicide, or assault with a deadly weapon (firearm) is committed in the District by or to a juvenile in abscondence.

b) Amends § 16-2332 to allow health and human services information that is in the possession of institutions or agencies to be re-disclosed to agencies for the purposes of and accordance with Title I of the Data Sharing of Information Coordination Act of 2010 (Bill 18-356).

c) Amends § 16-2333 to allow verbal disclosure (copies of the actual reports and files may not be released) of information pertaining to a child's arrest, charges at arrest and subsequent prosecution, conviction, and disposition, when: 1) adjudicated of a crime of violence or firearm offense that would be a felony if charged as an adult; or adjudicated 2 or more times of unauthorized use of a vehicle, theft in the first degree where the property obtained or used is a motor vehicle, assault with intent to cause significant bodily injury, or a felony charge of pandering, prostitution or a drug offense, or any combination thereof, or 2) an adult, including a Title 16 juvenile tried as an adult, is convicted of felony or of a misdemeanor assault within 3 years of the completion of his/her juvenile sentence. For the purposes of this section, the Committee intends that the word "times" for the purposes of calculating the number of adjudications means separate occasions. This amendment will allow public safety agencies to disclose these limited facts, and to answer questions from the public regarding the criminal history of certain perpetrators and the government's response.

This new subsection shall not be retroactive and information shall only be released if the triggering event (the specified number of adjudications or the adult conviction) occurs after October 1, 2010 (although the crime may have occurred earlier). Additionally, any Metropolitan Police Regulations

applicable to the release of adult criminal records, including the Duncan Ordinance, shall apply to the release of juvenile records.

d) A new § 16-2333.01 is added to allow an official of the Family Court, the Department of Youth Rehabilitation Services, or the Metropolitan Police Department to disclose information (but not the records) otherwise protected from disclosure under Title 16, to certain individuals, if in the official's professional judgment, disclosing the information will assist in the protection, welfare, treatment, or rehabilitation of the juvenile.

e) A new § 16-2333.02 is added to establish an Abscondence Review Committee. This Committee shall be responsible for investigating cases in which a juvenile in abscondence either committed or was the victim of a homicide, attempted homicide, or assault with a deadly weapon in which a firearm was used. The Committee shall issue a report within 6 months of the incident. The report will examine what steps could have been taken to prevent the abscondence, and recommend systemic improvements.

f) Amends § 16-2335 by adding a new subsection (h) to allow a juvenile to refuse disclosing his/her juvenile delinquency information in any application for employment, education, or housing, even if the history was disclosed pursuant to this Title. Youth, and rehabilitated adults with juvenile records, should not be discriminated against on the basis of their juvenile record.

Section 4 Adopts the fiscal impact statement.

Section 5 Establishes the effective date of this act (standard 30-day Congressional review).

IX. COMMITTEE ACTION

On June 29, 2010, the Committee on Public Safety and the Judiciary met to consider Bill 18-344, the "Expanding Access to Juvenile Records Amendment Act of 2010". The meeting was called to order at 5:44 p.m., and Bill 18-344 was the only item on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Alexander, Bowser, Cheh, and Evans present), Chairman Mendelson moved the print with an opportunity for discussion. Councilmember Cheh was concerned about the language in § 16-2333.01 that allows certain government officials to disclose information, if in the official's professional judgment, disclosing the information will assist in the protection, welfare, treatment, or rehabilitation of the juvenile. Councilmember Cheh stated that the term "professional judgment" and the pool of individuals authorized to disclose the information were broad. Councilmember Cheh stated that there should be a professional relationship between the official and the juvenile and the professional's

supervisor should authorize the disclosure. Chairman Mendelson suggested that the Committee work on crafting language tightening these disclosures for consideration at first reading.

Councilmember Alexander raised a concern with the number of adjudications required to trigger disclosure of information and thought that disclosure should be triggered after only one adjudication. Chairman Mendelson stated that statistics indicated that 94% of juvenile offenders do not reoffend, and that a central goal of the juvenile justice system is to rehabilitate youthful offenders. Chairman Mendelson stated that keeping the number of adjudications at 2 (as he proposed in the print) would give the juvenile a chance to rehabilitate and transform into a productive member of society. Councilmember Cheh disagreed and proposed an amendment to change the number of adjudications to one for a crime of violence and a dangerous crime (excluding prostitution, pandering, and drug offenses) and leaving it at two or more adjudications for the remaining enumerated offenses. After discussion on and refinement of the amendment the matter was voted on and the amendment was approved 4-1 by voice vote. Chairman Mendelson then moved the print, as amended, with leave for staff to make technical changes. The vote on the print was unanimous (Chairman Mendelson and Councilmembers Alexander, Bowser, Cheh and Evans voting aye). Chairman Mendelson then moved the report with leave for staff to make technical and editorial changes. After an opportunity for discussion the vote on the report was unanimous (Chairman Mendelson and Councilmembers Alexander, Bowser, Cheh and Evans voting aye). The meeting adjourned at 6:35 p.m.

X. ATTACHMENTS

1. Bill 18-344 as introduced.
2. Written testimony and comments.
3. Fiscal Impact Statement.
4. Committee Print for Bill 18-344.