

STATEMENT OF PURPOSE

RS23676

This legislation changes Idaho's current juvenile offender expungement law to bring it in line with current national practices regarding the confidentiality of records in juvenile corrections. Rather than use the term "expungement" the bill provides for "sealing" the record which more accurately portrays what occurs under Idaho's current law. The proposed changes would make both the opportunity and the process to seal a juvenile record easier for a juvenile offender. The offender must demonstrate changed behavior sufficient to make the offender no longer a risk to public safety in the eyes of Idaho Courts. This results in enhanced rehabilitation, economic and other opportunities for juveniles who make mistakes but learn from them which lead to long-term taxpayer savings on correctional expenditures. Sealing is a process to help assure that a juvenile offender's records remain confidential after the completion of their case. Some of the notable changes are:

1. A new provision has been added to provide that the Idaho Department of Corrections, Prosecutors and Defenders have access to sealed cases. It also adds additional criteria for a judge in his consideration whether to seal a case.
2. Diversion is an option used by Prosecutors rather than filing a formal case. It has been shown to provide meaningful options that result in enhanced rehabilitation for juveniles in certain kinds of cases. Diversion files would be required to be sealed by the Prosecutors to ensure the cases remain confidential.
3. Juveniles who commit misdemeanors that result in great bodily harm, permanent disability or permanent disfigurement will have the same time frame for the opportunity to seal their records as those who commit felony offenses. The time frame to wait after the court's jurisdiction ends to seal these misdemeanors or felony offenses has been changed to 3 years from 5 because of the access provision noted above and the need for juvenile offenders who not risks getting on with productive lives. Other misdemeanor offenses will continue to be eligible for sealing as currently provided under Idaho law, which requires a 1 year wait.
4. Juveniles who commit status offenses (offenses that are based on the age of the offender) will have that status offense charges automatically sealed when they turn 18. Additionally, juvenile offenders who are found not guilty of an offense after a trial will have the records of the offense immediately sealed.
5. The legislation provides that the Courts will advise juvenile offenders and their parents or guardians upon completion of the juvenile's case of their statutory rights to have their case sealed.
6. Portions of the current law have been redrafted and restructured to make the law clearer.

FISCAL NOTE

There is no fiscal impact to general funds or local funds.

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