

1 Introduced by Senate Committee on Government Operations

2 Date:

3 Subject: General Provisions; common law; general rights; Public Records Act;  
4 records relating to juvenile proceedings

5 Statement of purpose of bill as introduced: This bill proposes to:

6 (1) exempt from the Public Records Act and make confidential any  
7 identifying information contained in a record reflecting the initial arrest or  
8 charge of a juvenile; and

9 (2) make the Family Division of the Superior Court the sole records  
10 custodian for purposes of responding to a request for law enforcement and  
11 court records relating to a person under the court's jurisdiction.

12 An act relating to confidential information concerning the initial arrest and  
13 charge of a juvenile

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 1 V.S.A. § 317 is amended to read:

16 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND  
17 DOCUMENTS; EXEMPTIONS

18 \* \* \*

19 (c) The following public records are exempt from public inspection and  
20 copying:

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\* \* \*

(5)(A) Records dealing with the detection and investigation of crime,  
but only to the extent that the production of such records:

\* \* \*

(B) Notwithstanding subdivision (A) of this subdivision (5), records  
relating to management and direction of a law enforcement agency; records  
reflecting the initial arrest of a person, including any ticket, citation, or  
complaint issued for a traffic violation, as that term is defined in 23 V.S.A.  
§ 2302; and records reflecting the charge of a person shall be public.

However, a public agency shall not release any information within a record  
reflecting the initial arrest or charge of a juvenile that would reveal the identity  
of the juvenile.

\* \* \*

[Optional]

**Sec. 2. APPLICATION OF PUBLIC RECORDS ACT EXEMPTION**

**REVIEW**

Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption  
amended in Sec. 1 shall continue in effect and shall not be reviewed for repeal.

Sec. 3. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

1           (a)(1) Except as otherwise provided, court and law enforcement reports and  
2 files concerning a person subject to the jurisdiction of the court shall be  
3 maintained separate from the records and files of other persons. Unless a  
4 charge of delinquency is transferred for criminal prosecution under chapter 52  
5 of this title or the court otherwise orders in the interests of the child, such  
6 records and files shall not be open to public inspection nor their contents  
7 disclosed to the public by any person. However, upon a finding that a child is  
8 a delinquent child by reason of commission of a delinquent act ~~which~~ that  
9 would have been a felony if committed by an adult, the court, upon request of  
10 the victim, shall make the child's name available to the victim of the  
11 delinquent act. If the victim is incompetent or deceased, the child's name shall  
12 be released, upon request, to the victim's guardian or next of kin.

13           (2) When a person is subject to the jurisdiction of the court pursuant to  
14 this chapter, the court shall become the sole records custodian for purposes of  
15 responding to any request for court or law enforcement records concerning the  
16 person. A public agency shall direct any request for these records to the courts  
17 for response.

18    \* \* \*

19       Sec. 4. EFFECTIVE DATE

20       This act shall take effect on July 1, 2021.