

**SB235 ENROLLED**



1 SB235  
2 MNMSWHH-2  
3 By Senator Barfoot  
4 RFD: Judiciary  
5 First Read: 19-Mar-24



## SB235 Enrolled

1 Enrolled, An Act,

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4 Relating to juveniles; to amend Section 12-15-134, Code  
5 of Alabama 1975, to further provide for the unlawful release  
6 of certain juvenile law enforcement records; and in connection  
7 therewith would have as its purpose or effect the requirement  
8 of a new or increased expenditure of local funds within the  
9 meaning of Section 111.05 of the Constitution of Alabama of  
10 2022.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 12-15-134, Code of Alabama 1975, is  
13 amended to read as follows:

14 "§12-15-134

15 (a) Law enforcement agencies shall take special  
16 precautions to ensure that law enforcement records and files  
17 concerning a child will be maintained in a manner and pursuant  
18 to those safeguards that will protect against disclosure to  
19 any unauthorized person, department, agency, or entity. Unless  
20 a charge of delinquency is transferred for criminal  
21 prosecution pursuant to Section 12-15-203 or the juvenile  
22 court otherwise orders in the interests of the child, of  
23 public safety, or of national security, the law enforcement  
24 records and files with respect to the child shall not be open  
25 to public inspection nor their contents disclosed to the  
26 public.

27 (b) Law enforcement records and files described in  
28 subsections (a) and (f) shall be open to inspection and



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29 copying by the following:

30 (1) A juvenile court having a child currently before it  
31 in any proceeding.

32 (2) Personnel of the Department of Human Resources, the  
33 Department of Youth Services, public and private institutions  
34 or agencies of which the child under the jurisdiction of the  
35 juvenile court has been placed into the legal custody, and  
36 those responsible for his or her supervision after release.

37 (3) Law enforcement officers of other jurisdictions  
38 when necessary for the discharge of their current official  
39 duties.

40 (4) The probation and other professional staff of a  
41 court in which the child is subsequently convicted of a  
42 criminal offense or adjudicated as a youthful offender for the  
43 purpose of a presentence report or other dispositional  
44 proceedings, officials of penal institutions and other penal  
45 facilities into which the child is placed, or a parole board  
46 in considering his or her parole or discharge or in exercising  
47 supervision over him or her.

48 (5) The probation and other professional staff serving  
49 a court handling criminal cases when investigating or  
50 considering youthful offender applications.

51 (6) The parent, except when parental rights have been  
52 terminated, or legal guardian of the child~~and~~, the child's  
53 attorney, and guardian ad litem.

54 (7) The principal of the school in which the child is  
55 enrolled, or the representative of the principal, upon written  
56 petition to the juvenile court setting forth the reasons why



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57 the safety or welfare, or both, of the school, its students,  
58 or personnel necessitate production of the information and  
59 without which the safety and welfare of the school, its  
60 students, and personnel would be threatened.

61 (c) Law enforcement records may be viewed by victims  
62 during the investigation of a crime at the discretion of the  
63 investigating officer.

64 (d) All law enforcement agencies shall report to the  
65 Alabama State Law Enforcement Agency that a child has been  
66 charged with an act of delinquency along with any pertinent  
67 identifying information or historical data concerning that  
68 child, when either of the following occurs:

69 (1) The child is taken into custody and charged with an  
70 act of delinquency for an act which would constitute a felony  
71 if committed by an adult.

72 (2) The child is taken into custody and charged with an  
73 act of delinquency for an act which would constitute a  
74 misdemeanor if committed by an adult.

75 (e) Nothing in this section shall be construed to  
76 prohibit or otherwise limit counsel from disclosing  
77 confidential law enforcement records relating to a client as  
78 needed to investigate the case of the client or prepare a  
79 defense for that client, provided that the disclosure is in  
80 furtherance of counsel's representation of the party.

81 (f) Except for use in legal proceedings, photographs,  
82 likeness, and personal identifying information contained in  
83 law enforcement records of a person charged pursuant to  
84 Section 12-15-204 are not public records and may not be



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85 published in any printed or electronic media nor open to  
86 public inspection, prior to conviction, unless a hearing has  
87 been held pursuant to Section 15-13-3, there has been a  
88 probable cause determination by a district or circuit court  
89 judge, an indictment has been issued by a grand jury, or the  
90 district court or circuit court with jurisdiction over the  
91 case orders the records be released in the interest of the  
92 person charged, in the interest of public safety, or in the  
93 interest of national security.

94 (g) Except as provided in this section, any person who  
95 ~~directly or indirectly~~ knowingly discloses, makes use of, or  
96 ~~knowingly~~ permits the use of information described in this  
97 section that identifies a child, or the family of a child, who  
98 is or was under the jurisdiction of the juvenile court, upon  
99 conviction, shall be guilty of a Class A misdemeanor under the  
100 jurisdiction of the juvenile court.

101 (h) Nothing in this section shall be construed to  
102 prohibit or otherwise limit a prosecuting authority from  
103 disclosing confidential law enforcement records relating to a  
104 defendant as needed to investigate or prosecute the case,  
105 provided that the disclosure is in furtherance of or related  
106 to the investigation or prosecution."

107 Section 2. Although this bill would have as its purpose  
108 or effect the requirement of a new or increased expenditure of  
109 local funds, the bill is excluded from further requirements  
110 and application under Section 111.05 of the Constitution of  
111 Alabama of 2022, because the bill defines a new crime or  
112 amends the definition of an existing crime.



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113                   Section 3. This act shall become effective June 1,  
114    2024.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB235  
Senate 16-Apr-24  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 02-May-24

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By: Senator Barfoot