

By: Dearing

To: Juvenile Justice;  
Judiciary

SENATE BILL NO. 2112

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT JUVENILES CHARGED WITH MOTOR VEHICLE THEFT SHALL  
 3 BE TRIED AS ADULTS AND TO REMOVE THE OFFENSE FROM THE JURISDICTION  
 4 OF THE YOUTH COURT; TO AMEND SECTION 43-21-157, MISSISSIPPI CODE  
 5 OF 1972, TO PROHIBIT TRANSFER OF JURISDICTION TO THE YOUTH COURT;  
 6 TO AMEND SECTION 43-21-159, MISSISSIPPI CODE OF 1972, IN  
 7 CONFORMITY THERETO; TO AMEND SECTION 43-21-255, MISSISSIPPI CODE  
 8 OF 1972, TO PROVIDE THAT RECORDS INVOLVING MOTOR VEHICLE THEFT BY  
 9 A CHILD SHALL BE PUBLIC; TO AMEND SECTION 43-21-261, MISSISSIPPI  
 10 CODE OF 1972, TO ALLOW PUBLIC DISCLOSURE OF IDENTIFYING  
 11 INFORMATION CONCERNING A CHILD CHARGED WITH MOTOR VEHICLE LARCENY;  
 12 AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Section 43-21-151, Mississippi Code of 1972, is  
 15 amended as follows:

16 43-21-151. (1) The youth court shall have exclusive  
 17 original jurisdiction in all proceedings concerning a delinquent  
 18 child, a child in need of supervision, a neglected child, an  
 19 abused child or a dependent child except in the following  
 20 circumstances:

21 (a) Any act attempted or committed by a child, which if  
 22 committed by an adult would be punishable under state or federal  
 23 law by life imprisonment or death, will be in the original  
 24 jurisdiction of the circuit court;

25 (b) Any act attempted or committed by a child with the  
 26 use of a deadly weapon, the carrying of which concealed is

27 prohibited by Section 97-37-1, or a shotgun or a rifle, which  
28 would be a felony if committed by an adult, will be in the  
29 original jurisdiction of the circuit court; \* \* \*

30 (c) Any larceny of a motor vehicle; and

31 (d) When a charge of abuse of a child first arises in  
32 the course of a custody action between the parents of the child  
33 already pending in the chancery court and no notice of such abuse  
34 was provided prior to such chancery proceedings, the chancery  
35 court may proceed with the investigation, hearing and  
36 determination of such abuse charge as a part of its hearing and  
37 determination of the custody issue as between the parents,  
38 notwithstanding the other provisions of the Youth Court Law. The  
39 proceedings in chancery court on the abuse charge shall be  
40 confidential in the same manner as provided in youth court  
41 proceedings.

42 When a child is expelled from the public schools, the youth  
43 court shall be notified of the act of expulsion and the act or  
44 acts constituting the basis for expulsion.

45 (2) Jurisdiction of the child in the cause shall attach at  
46 the time of the offense and shall continue thereafter for that  
47 offense until the child's twentieth birthday, unless sooner  
48 terminated by order of the youth court. The youth court shall not  
49 have jurisdiction over offenses committed by a child on or after  
50 his eighteenth birthday, or over offenses committed by a child on  
51 or after his seventeenth birthday where such offenses would be a  
52 felony if committed by an adult.

53 (3) No child who has not reached his thirteenth birthday  
54 shall be held criminally responsible or criminally prosecuted for  
55 a misdemeanor or felony; however, the parent, guardian or  
56 custodian of such child may be civilly liable for any criminal  
57 acts of such child. No child under the jurisdiction of the youth

58 court shall be held criminally responsible or criminally  
59 prosecuted by any court for any act designated as a delinquent  
60 act, unless jurisdiction is transferred to another court under  
61 Section 43-21-157.

62 (4) The youth court shall also have jurisdiction of offenses  
63 committed by a child which have been transferred to the youth  
64 court by an order of a circuit court of this state having original  
65 jurisdiction of the offense, as provided by Section 43-21-159.

66 (5) The youth court shall regulate and approve the use of  
67 teen court as provided in Section 43-21-753.

68 SECTION 2. Section 43-21-157, Mississippi Code of 1972, is  
69 amended as follows:

70 43-21-157. (1) If a child who has reached his thirteenth  
71 birthday is charged by petition to be a delinquent child, the  
72 youth court, either on motion of the youth court prosecutor or on  
73 the youth court's own motion, after a hearing as hereinafter  
74 provided, may, in its discretion, transfer jurisdiction of the  
75 alleged offense described in the petition or a lesser included  
76 offense to the criminal court which would have trial jurisdiction  
77 of such offense if committed by an adult. The child shall be  
78 represented by counsel in transfer proceedings.

79 (2) A motion to transfer shall be filed on a day prior to  
80 the date set for the adjudicatory hearing but not more than ten  
81 (10) days after the filing of the petition. The youth court may  
82 order a transfer study at any time after the motion to transfer is  
83 filed. The transfer study and any other social record which the  
84 youth court will consider at the transfer hearing shall be made  
85 available to the child's counsel prior to the hearing. Summons

86 shall be served in the same manner as other summons under this  
87 chapter with a copy of the motion to transfer and the petition  
88 attached thereto.

89 (3) The transfer hearing shall be bifurcated. At the  
90 transfer hearing, the youth court shall first determine whether  
91 probable cause exists to believe that the child committed the  
92 alleged offense. For the purpose of the transfer hearing only,  
93 the child may, with the assistance of counsel, waive the  
94 determination of probable cause.

95 (4) Upon such a finding of probable cause, the youth court  
96 may transfer jurisdiction of the alleged offense and the youth if  
97 the youth court finds by clear and convincing evidence that there  
98 are no reasonable prospects of rehabilitation within the juvenile  
99 justice system.

100 (5) The factors which shall be considered by the youth court  
101 in determining the reasonable prospects of rehabilitation within  
102 the juvenile justice system are:

103 (a) Whether or not the alleged offense constituted a  
104 substantial danger to the public;

105 (b) The seriousness of the alleged offense;

106 (c) Whether or not the transfer is required to protect  
107 the community;

108 (d) Whether or not the alleged offense was committed in  
109 an aggressive, violent, premeditated or willful manner;

110 (e) Whether the alleged offense was against persons or  
111 against property, greater weight being given to the offense  
112 against persons, especially if personal injury resulted;

113 (f) The sophistication, maturity and educational

114 background of the child;

115 (g) The child's home situation, emotional condition and  
116 life-style;

117 (h) The history of the child, including experience with  
118 the juvenile justice system, other courts, probation, commitments  
119 to juvenile institutions or other placements;

120 (i) Whether or not the child can be retained in the  
121 juvenile justice system long enough for effective treatment or  
122 rehabilitation;

123 (j) The dispositional resources available to the  
124 juvenile justice system;

125 (k) Dispositional resources available to the adult  
126 correctional system for the child if treated as an adult;

127 (l) Whether the alleged offense was committed on school  
128 property, public or private, or at any school-sponsored event, and  
129 constituted a substantial danger to other students;

130 (m) Any other factors deemed relevant by the youth  
131 court; and

132 (n) Nothing in this subsection shall prohibit the  
133 transfer of jurisdiction of an alleged offense and a child if that  
134 child, at the time of the transfer hearing, previously has not  
135 been placed in a juvenile institution.

136 (6) If the youth court transfers jurisdiction of the alleged  
137 offense to a criminal court, the youth court shall enter a  
138 transfer order containing:

139 (a) Facts showing that the youth court had jurisdiction  
140 of the cause and of the parties;

141 (b) Facts showing that the child was represented by

142 counsel;

143 (c) Facts showing that the hearing was held in the  
144 presence of the child and his counsel;

145 (d) A recital of the findings of probable cause and the  
146 facts and reasons underlying the youth court's decision to  
147 transfer jurisdiction of the alleged offense;

148 (e) The conditions of custody or release of the child  
149 pending criminal court proceedings, including bail or recognizance  
150 as the case may justify, as well as a designation of the custodian  
151 for the time being; and

152 (f) A designation of the alleged offense transferred  
153 and of the court to which the transfer is made and a direction to  
154 the clerk to forward for filing in such court a certified copy of  
155 the transfer order of the youth court.

156 (7) The testimony of the child respondent at a transfer  
157 hearing conducted pursuant to this chapter shall not be admissible  
158 against the child in any proceeding other than the transfer  
159 hearing.

160 (8) When jurisdiction of an offense is transferred to the  
161 circuit court, or when a youth has committed an act which is in  
162 original circuit court jurisdiction pursuant to Section 43-21-151,  
163 the jurisdiction of the youth court over the youth is forever  
164 terminated, except that such jurisdiction is not forever  
165 terminated if the circuit court transfers or remands the  
166 transferred case to the youth court or if a child who has been  
167 transferred to the circuit court or is in the original  
168 jurisdiction of the circuit court is not convicted. However, when  
169 jurisdiction of an offense is transferred to the circuit court

170 pursuant to this section or when an offense committed by a youth  
171 is in original circuit court jurisdiction pursuant to Section  
172 43-21-151, the circuit court shall thereafter assume and retain  
173 jurisdiction of any felony offenses committed by such youth  
174 without any additional transfer proceedings. Any misdemeanor  
175 offenses committed by youth who are in circuit court jurisdiction  
176 pursuant to this section or Section 43-21-151 shall be prosecuted  
177 in the court which would have jurisdiction over that offense if  
178 committed by an adult without any additional transfer proceedings.

179 The circuit court may review the transfer proceedings on motion  
180 of the transferred child. Such review shall be on the record of  
181 the hearing in the youth court. The circuit court shall remand  
182 the offense to the youth court if there is no substantial evidence  
183 to support the order of the youth court. The circuit court may  
184 also review the conditions of custody or release pending criminal  
185 court proceedings.

186 (9) When any youth has been the subject of a transfer to  
187 circuit court for an offense committed in any county of the state  
188 or has committed any act which is in the original jurisdiction of  
189 the circuit court pursuant to Section 43-21-151, that transfer or  
190 original jurisdiction shall be recognized by all other courts of  
191 the state and no subsequent offense committed by such youth in any  
192 county of the state shall be in the jurisdiction of the youth  
193 court unless transferred to the youth court pursuant to Section  
194 43-21-159(3). Transfers from youth courts of other states shall  
195 be recognized by the courts of this state and no youth who has a  
196 pending charge or a conviction in the adult court system of any  
197 other state shall be in the jurisdiction of the youth courts of

198 this state, but such youths shall be in the jurisdiction of the  
199 circuit court for any felony committed in this state or in the  
200 jurisdiction of the court of competent jurisdiction for any  
201 misdemeanor committed in this state.

202 (10) Any child charged with larceny of a motor vehicle shall  
203 be under the jurisdiction of the circuit court, which offense  
204 shall not be transferred to the youth court.

205 SECTION 3. Section 43-21-159, Mississippi Code of 1972, is  
206 amended as follows:

207 43-21-159. (1) When a person appears before a court other  
208 than the youth court, and it is determined that the person is a  
209 child under jurisdiction of the youth court, such court shall,  
210 unless the jurisdiction of the offense has been transferred to  
211 such court as provided in this chapter, or unless the child has  
212 previously been the subject of a transfer from the youth court to  
213 the circuit court for trial as an adult and was convicted,  
214 immediately dismiss the proceeding without prejudice and forward  
215 all documents pertaining to the cause to the youth court; and all  
216 entries in permanent records shall be expunged. The youth court  
217 shall have the power to order and supervise the expunction or the  
218 destruction of such records in accordance with Section 43-21-265.

219 The youth court is authorized to expunge the record of any case  
220 within its jurisdiction in which an arrest was made, the person  
221 arrested was released and the case was dismissed or the charges  
222 were dropped or there was no disposition of such case. In cases  
223 where the child is charged with a hunting or fishing violation or  
224 a traffic violation whether it be any state or federal law, a  
225 violation of the Mississippi Implied Consent Law, or municipal



226 ordinance or county resolution or where the child is charged with  
227 a violation of Section 67-3-70, the appropriate criminal court  
228 shall proceed to dispose of the same in the same manner as for  
229 other adult offenders and it shall not be necessary to transfer  
230 the case to the youth court of the county. Unless the cause has  
231 been transferred, or unless the child has previously been the  
232 subject of a transfer from the youth court to the circuit court  
233 for trial as an adult, except for violations under the Implied  
234 Consent Law, and was convicted, the youth court shall have power  
235 on its own motion to remove jurisdiction from any criminal court  
236 of any offense including a hunting or fishing violation, a traffic  
237 violation, or a violation of Section 67-3-70, committed by a child  
238 in a matter under the jurisdiction of the youth court and proceed  
239 therewith in accordance with the provisions of this chapter.

240 (2) After conviction and sentence of any child by any other  
241 court having original jurisdiction on a misdemeanor charge, and  
242 within the time allowed for an appeal of such conviction and  
243 sentence, the youth court of the county shall have the full power  
244 to stay the execution of the sentence and to release the child on  
245 good behavior or on other order as the youth court may see fit to  
246 make unless the child has previously been the subject of a  
247 transfer from the youth court to the circuit court for trial as an  
248 adult and was convicted. When a child is convicted of a  
249 misdemeanor and is committed to, incarcerated in or imprisoned in  
250 a jail or other place of detention by a criminal court having  
251 proper jurisdiction of such charge, such court shall notify the  
252 youth court judge or the judge's designee of the conviction and  
253 sentence prior to the commencement of such incarceration. The

254 youth court shall have the power to order and supervise the  
255 destruction of any records involving children maintained by the  
256 criminal court in accordance with Section 43-21-265. However, the  
257 youth court shall have the power to set aside a judgment of any  
258 other court rendered in any matter over which the youth court has  
259 exclusive original jurisdiction, to expunge or destroy the records  
260 thereof in accordance with Section 43-21-265, and to order a  
261 refund of fines and costs.

262 (3) Nothing in subsection (1) or (2) shall apply to a youth  
263 who has a pending charge or a conviction for any crime over which  
264 circuit court has original jurisdiction.

265 (4) In any case wherein the defendant is a child as defined  
266 in this chapter and of which the circuit court has original  
267 jurisdiction, the circuit judge, upon a finding that it would be  
268 in the best interest of such child and in the interest of justice,  
269 may at any stage of the proceedings prior to the attachment of  
270 jeopardy transfer such proceedings to the youth court for further  
271 proceedings unless the child has previously been the subject of a  
272 transfer from the youth court to the circuit court for trial as an  
273 adult and was convicted or has previously been convicted of a  
274 crime which was in original circuit court jurisdiction, and the  
275 youth court shall, upon acquiring jurisdiction, proceed as  
276 provided in this chapter for the adjudication and disposition of  
277 delinquent child proceeding proceedings. If the case is not  
278 transferred to the youth court and the youth is convicted of a  
279 crime by any circuit court, the trial judge shall sentence the  
280 youth as though such youth was an adult. The circuit court shall  
281 not have the authority to commit such child to the custody of the

282 Department of Youth Services for placement in a state-supported  
283 training school.

284 (5) In no event shall a court sentence an offender over the  
285 age of eighteen (18) to the custody of the Division of Youth  
286 Services for placement in a state-supported training school.

287 (6) When a child's driver's license is suspended by the  
288 youth court for any reason, the clerk of the youth court shall  
289 report the suspension, without a court order under Section  
290 43-21-261, to the Commissioner of Public Safety in the same manner  
291 as such suspensions are reported in cases involving adults.

292 (7) No offense involving the use or possession of a firearm  
293 by a child who has reached his fifteenth birthday and which, if  
294 committed by an adult would be a felony, shall be transferred to  
295 the youth court.

296 (8) No offense of larceny of a motor vehicle shall be  
297 transferred to the youth court.

298 SECTION 4. Section 43-21-255, Mississippi Code of 1972, is  
299 amended as follows:

300 43-21-255. (1) Except as otherwise provided by this  
301 section, all records involving children made and retained by law  
302 enforcement officers and agencies or by the youth court prosecutor  
303 and the contents thereof shall be kept confidential and shall not  
304 be disclosed except as provided in Section 43-21-261.

305 (2) A child in the jurisdiction of the youth court and who  
306 has been taken into custody for an act, which if committed by an  
307 adult would be considered a felony or offenses involving  
308 possession or use of a dangerous weapon or any firearm, may be  
309 photographed or fingerprinted or both. Any law enforcement agency

310 taking such photographs or fingerprints shall immediately report  
311 the existence and location of the photographs and fingerprints to  
312 the youth court. Copies of fingerprints known to be those of a  
313 child shall be maintained on a local basis only. Such copies of  
314 fingerprints may be forwarded to another local, state or federal  
315 bureau of criminal identification or regional depository for  
316 identification purposes only. Such copies of fingerprints shall  
317 be returned promptly and shall not be maintained by such agencies.

318 (3) Any law enforcement record involving children who have  
319 been taken into custody for an act, which if committed by an adult  
320 would be considered a felony and/or offenses involving possession  
321 or use of a dangerous weapon including photographs and  
322 fingerprints, may be released to a law enforcement agency  
323 supported by public funds, youth court officials and appropriate  
324 school officials without a court order under Section 43-21-261.  
325 Law enforcement records shall be released to youth court officials  
326 and to appropriate school officials upon written request. Except  
327 as provided in subsection (4) of this section, any law enforcement  
328 agency releasing such records of children in the jurisdiction of  
329 the youth court shall immediately report the release and location  
330 of the records to the youth court. The law enforcement agencies,  
331 youth court officials and school officials receiving such records  
332 are prohibited from using the photographs and fingerprints for any  
333 purpose other than for criminal law enforcement and juvenile law  
334 enforcement. Each law enforcement officer or employee, each youth  
335 court official or employee and each school official or employee  
336 receiving the records shall submit to the sender a signed  
337 statement acknowledging his or her duty to maintain the

338 confidentiality of the records. In no instance shall the fact  
339 that such records of children in the jurisdiction of the youth  
340 court exist be conveyed to any private individual, firm,  
341 association or corporation or to any public or quasi-public agency  
342 the duties of which do not include criminal law enforcement or  
343 juvenile law enforcement.

344 (4) When a child's driver's license is suspended for refusal  
345 to take a test provided under the Mississippi Implied Consent Law,  
346 the law enforcement agency shall report such refusal, without a  
347 court order under Section 43-21-261, to the Commissioner of Public  
348 Safety in the same manner as such suspensions are reported in  
349 cases involving adults.

350 (5) All records involving a child convicted as an adult or  
351 who has been twice adjudicated delinquent for a sex offense as  
352 defined by Section 45-33-1, Mississippi Code of 1972, shall be  
353 public and shall not be kept confidential.

354 (6) All records involving any larceny of a motor vehicle  
355 committed by a child shall be public and shall not be kept  
356 confidential.

357 SECTION 5. Section 43-21-261, Mississippi Code of 1972, is  
358 amended as follows:

359 43-21-261. (1) Except as otherwise provided in this  
360 section, records involving children shall not be disclosed, other  
361 than to necessary staff of the youth court, except pursuant to an  
362 order of the youth court specifying the person or persons to whom  
363 the records may be disclosed, the extent of the records which may  
364 be disclosed and the purpose of the disclosure. Such court orders  
365 for disclosure shall be limited to those instances in which the

366 youth court concludes, in its discretion, that disclosure is  
367 required for the best interests of the child, the public safety or  
368 the functioning of the youth court and then only to the following  
369 persons:

370 (a) The judge of another youth court or member of  
371 another youth court staff;

372 (b) The court of the parties in a child custody or  
373 adoption cause in another court;

374 (c) A judge of any other court or members of another  
375 court staff;

376 (d) Representatives of a public or private agency  
377 providing supervision or having custody of the child under order  
378 of the youth court;

379 (e) Any person engaged in a bona fide research purpose,  
380 provided that no information identifying the subject of the  
381 records shall be made available to the researcher unless it is  
382 absolutely essential to the research purpose and the judge gives  
383 prior written approval, and the child, through his or her  
384 representative, gives permission to release the information;

385 (f) The Mississippi Employment Security Commission, or  
386 its duly authorized representatives, for the purpose of a child's  
387 enrollment into the Job Corps Training Program as authorized by  
388 Title IV of the Comprehensive Employment Training Act of 1973 (29  
389 USCS Section 923 et seq.). However, no records, reports,  
390 investigations or information derived therefrom pertaining to  
391 child abuse or neglect shall be disclosed; and

392 (g) To any person pursuant to a finding by a judge of  
393 the youth court of compelling circumstances affecting the health

394 or safety of a child and that such disclosure is in the best  
395 interests of the child.

396 Law enforcement agencies may disclose information to the  
397 public concerning the taking of a child into custody for the  
398 commission of a delinquent act or larceny of a motor vehicle  
399 without the necessity of an order from the youth court. The  
400 information released shall not identify the child or his address  
401 unless the information involves a child convicted as an adult or a  
402 child charged with larceny of a motor vehicle.

403 (2) Any records involving children which are disclosed under  
404 an order of the youth court and the contents thereof shall be kept  
405 confidential by the person or agency to whom the record is  
406 disclosed except as provided in the order. Any further disclosure  
407 of any records involving children shall be made only under an  
408 order of the youth court as provided in this section.

409 (3) Upon request, the parent, guardian or custodian of the  
410 child who is the subject of a youth court cause or any attorney  
411 for such parent, guardian or custodian, shall have the right to  
412 inspect any record, report or investigation which is to be  
413 considered by the youth court at a hearing, except that the  
414 identity of the reporter shall not be released, nor the name of  
415 any other person where the person or agency making the information  
416 available finds that disclosure of the information would be likely  
417 to endanger the life or safety of such person.

418 (4) Upon request, the child who is the subject of a youth  
419 court cause shall have the right to have his counsel inspect and  
420 copy any record, report or investigation which is filed with the  
421 youth court.

422           (5) (a) The youth court prosecutor or prosecutors, the  
423 county attorney, the district attorney, the youth court defender  
424 or defenders, or any attorney representing a child shall have the  
425 right to inspect any law enforcement record involving children.

426           (b) The Department of Human Services shall disclose to  
427 a county prosecuting attorney or district attorney any and all  
428 records resulting from an investigation into suspected child abuse  
429 or neglect when the case has been referred by the Department of  
430 Human Services to the county prosecuting attorney or district  
431 attorney for criminal prosecution.

432           (c) Agency records made confidential under the  
433 provisions of this section may be disclosed to a court of  
434 competent jurisdiction.

435           (6) Information concerning an investigation into a report of  
436 child abuse or child neglect may be disclosed by the Department of  
437 Human Services without order of the youth court to any attorney,  
438 physician, dentist, intern, resident, nurse, psychologist, social  
439 worker, child care giver, minister, law enforcement officer,  
440 public or private school employee making that report pursuant to  
441 Section 43-21-353(1) if the reporter has a continuing professional  
442 relationship with the child and a need for such information in  
443 order to protect or treat the child.

444           (7) Information concerning an investigation into a report of  
445 child abuse or child neglect may be disclosed without further  
446 order of the youth court to any interagency child abuse task force  
447 established in any county or municipality by order of the youth  
448 court of that county or municipality.

449           (8) Names and addresses of juveniles twice adjudicated as



450 delinquent for an act which would be a felony if committed by an  
451 adult or for the unlawful possession of a firearm shall not be  
452 held confidential and shall be made available to the public.

453 (9) Names and addresses of juveniles adjudicated as  
454 delinquent for murder, manslaughter, burglary, arson, armed  
455 robbery, aggravated assault, any sex offense as defined in Section  
456 45-33-1, for any violation of Section 41-29-139(a)(1) or for any  
457 violation of Section 63-11-30, shall not be held confidential and  
458 shall be made available to the public.

459 (10) The judges of the circuit and county courts, and  
460 presentence investigators for the circuit courts, as provided in  
461 Section 47-7-9, shall have the right to inspect any youth court  
462 records of a person convicted of a crime for sentencing purposes  
463 only.

464 (11) The victim of an offense committed by a child who is  
465 the subject of a youth court cause shall have the right to be  
466 informed of the child's disposition by the youth court.

467 (12) The Classification Committee of the State Department of  
468 Corrections, as provided in Section 47-5-103, shall have the right  
469 to inspect any youth court records, excluding abuse and neglect  
470 records, of any offender in the custody of the department who as a  
471 child or minor was a juvenile offender or was the subject of a  
472 youth court cause of action, and the State Parole Board, as  
473 provided in Section 47-7-17, shall have the right to inspect such  
474 records when said offender becomes eligible for parole.

475 (13) The youth court shall notify the Department of Public  
476 Safety of the name, and any other identifying information such  
477 department may require, of any child who is adjudicated delinquent

478 as a result of a violation of the Uniform Controlled Substances  
479 Law.

480 (14) The Administrative Office of Courts shall have the  
481 right to inspect any youth court records in order that the number  
482 of youthful offenders, abused, neglected, truant and dependent  
483 children, as well as children in need of special care and children  
484 in need of supervision, may be tracked with specificity through  
485 the youth court and adult justice system, and to utilize tracking  
486 forms for such purpose.

487 (15) Upon a request by a youth court, the Administrative  
488 Office of Courts shall disclose all information at its disposal  
489 concerning any previous youth court intakes alleging that a child  
490 was a delinquent child, child in need of supervision, child in  
491 need of special care, truant child, abused child or neglected  
492 child, as well as any previous youth court adjudications for the  
493 same and all dispositional information concerning a child who at  
494 the time of such request comes under the jurisdiction of the youth  
495 court making such request.

496 (16) In every case where an abuse or neglect allegation has  
497 been made, the confidentiality provisions of this section shall  
498 not apply to prohibit access to a child's records by any state  
499 regulatory agency, any state or local prosecutorial agency or law  
500 enforcement agency; provided, however, that no identifying  
501 information concerning the child in question may be released to  
502 the public by such agency except as otherwise provided herein.

503 (17) In every case where there is any indication or  
504 suggestion of either abuse or neglect and a child's physical  
505 condition is medically labeled as medically "serious" or

506 "critical" or a child dies, the confidentiality provisions of this  
507 section shall not apply.

508 (18) Any member of a foster care review board designated by  
509 the Department of Human Services shall have the right to inspect  
510 youth court records relating to the abuse, neglect or child in  
511 need of supervision cases assigned to such member for review.

512 SECTION 6. This act shall take effect and be in force from  
513 and after July 1, 2000.