

## **IC 31-39-5**

### **Chapter 5. Fingerprints or Photographs of Child**

#### **IC 31-39-5-1**

##### **Taking and filing**

Sec. 1. (a) A law enforcement agency may take and file the fingerprints or photographs of a child if:

- (1) the child is taken into custody for an act that would be a felony if committed by an adult; and
- (2) the child was at least fourteen (14) years of age when the act was allegedly committed.

(b) A juvenile court may, by general order, limit fingerprinting and photographing of children to situations in which children are charged with specified offenses.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-5-2**

##### **Separation from adult files; confidentiality**

Sec. 2. Fingerprint and photograph files of children shall be separated from those of adults. The files are subject to the confidentiality provisions of IC 31-39-3.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-5-3**

##### **Fingerprinting and comparison**

Sec. 3. If:

- (1) latent fingerprints are found during the investigation of an offense; and
- (2) a law enforcement officer has probable cause to believe that the latent fingerprints belong to a certain child;

the officer may fingerprint that child and compare the child's fingerprints with the latent fingerprints.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-5-4**

##### **Destruction**

Sec. 4. (a) Upon written request of the child or the child's parent, guardian, or custodian, a law enforcement agency shall destroy or deliver to the child any of the child's fingerprints or photographs taken under section 1 of this chapter that are within that agency's possession if:

- (1) the child was taken into custody and no petition was filed against the child;
- (2) the petition was dismissed because of mistaken identity;
- (3) the petition was dismissed because no delinquent act was actually committed; or
- (4) the petition was dismissed for lack of probable cause.

(b) If the child has a record of prior arrests or if another charge is pending against the child, the law enforcement agency does not have to destroy the child's fingerprints or photographs.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-5-5**

##### **Notice of rights**

Sec. 5. At the time a law enforcement agency takes a child's fingerprints or photographs, the law enforcement agency shall give written notice to the child and the child's parent, guardian, or custodian of the child's rights under section 4 of this chapter. The agency shall comply with any request for destruction or surrender of the records not later than sixty (60) days of the request.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-5-6**

##### **Destruction of copies forwarded to other agencies**

Sec. 6. Any law enforcement agency that has forwarded copies of fingerprints or photographs that the law enforcement agency must destroy under section 4 of this chapter to any agency of the United States, of any other state, or of this state, shall request in writing that all copies be returned for destruction or for presentation to the child.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-5-7**

##### **Expungement of record**

Sec. 7. Whenever fingerprints or photographs are expunged from the files of a law enforcement agency under section 4 of this chapter, the law enforcement agency may retain no other information on the incident. However, this section does not require the alteration of any law enforcement record, such as a blotter entry made at the time of arrest, or of any record in the juvenile court.

*As added by P.L.1-1997, SEC.22.*