

IC 10-13-4

Chapter 4. Juvenile History Information

IC 10-13-4-1

"Council"

Sec. 1. As used in this chapter, "council" refers to the security and privacy council established by IC 10-13-3-34.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-2

"Criminal justice agency"

Sec. 2. As used in this chapter, "criminal justice agency" has the meaning set forth in IC 10-13-3-6.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-3

"Inspection"

Sec. 3. As used in this chapter, "inspection" means visual perusal and includes the right to make memoranda abstracts of juvenile history data.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-4

"Juvenile history data"

Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:
 - (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and
 - (B) that is obtained through sex or violent offender registration under IC 11-8-8.

As added by P.L.2-2003, SEC.4. Amended by P.L.140-2006, SEC.7 and P.L.173-2006, SEC.7; P.L.216-2007, SEC.7.

IC 10-13-4-5

"Juvenile justice agency"

Sec. 5. As used in this chapter, "juvenile justice agency" means an agency or department of any level of government, the functions of which include juvenile justice activities included under IC 5-2-6-1. *As added by P.L.2-2003, SEC.4.*

IC 10-13-4-6

"Petition"

Sec. 6. As used in this chapter, "petition" means a petition filed under IC 31-37-10 (or IC 31-6-4-9 before its repeal) alleging that a child is a delinquent child.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-7

"Release"

Sec. 7. As used in this chapter, "release" means furnishing a copy or edited copy of juvenile history data.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-8

"Reportable act"

Sec. 8. As used in this chapter, "reportable act" means a delinquent act that would be a felony if committed by an adult.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-9

Official state central repository; duty to report delinquent acts to department

Sec. 9. (a) The department shall act as the official state central repository for juvenile history data.

(b) Juvenile justice agencies shall report to the department, on forms provided by the department, each incident in which a child is taken into custody for a reportable act allegedly committed by the child.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-10

Duty to furnish dispositional report to department

Sec. 10. (a) If a child for whom a report is required to be submitted under section 9 of this chapter is:

- (1) transferred to the custody of another juvenile justice agency;
- or

(2) released without having a petition filed with any court;

a disposition report shall be furnished to the department by the agency from which custody of the child has been transferred or released. Disposition reports must be made on forms provided by the department.

(b) If a petition is filed in any court, the clerk of the court shall furnish to the department, on forms provided by the department, a report of the dispositional decree of the case entered under

IC 31-37-19-5 (or IC 31-6-4-15.9 before its repeal).

(c) A report required under section 9 of this chapter or this section, whether by a juvenile justice agency or a court clerk, shall be sent to the department within thirty (30) days after the action necessitating the report occurs.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-11

Juvenile history data

Sec. 11. (a) A criminal or juvenile justice agency may:

(1) provide juvenile history data to; or

(2) receive juvenile history data from;

another criminal or juvenile justice agency.

(b) The department shall provide juvenile history data to any criminal or juvenile justice agency asking for it if the council determines that the agency has complied with this chapter.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-12

Release of juvenile history data

Sec. 12. (a) Except as otherwise provided, any criminal or juvenile justice agency that maintains juvenile history data shall, upon request and proper identification of the person about whom juvenile history data is maintained, provide:

(1) that person; or

(2) the person's parent, guardian, or custodian if the person is less than eighteen (18) years of age;

with a copy of the person's juvenile history data for a reasonable fee.

(b) A person or the person's parent, guardian, or custodian, if the person is less than eighteen (18) years of age, may challenge the accuracy of information about the person filed with the department as juvenile history data.

(c) The department may not release or allow inspection of juvenile history data to any person or agency that is not authorized under this chapter to receive it.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-13

Sealing juvenile history data

Sec. 13. (a) When a person who is the subject of juvenile history data on file with the department becomes twenty-two (22) years of age, the department shall seal that person's juvenile history data. However, this subsection does not apply if, after the department receives juvenile history data about a person, the person is arrested for a felony required to be reported to the department under IC 10-13-3.

(b) Except as provided under subsection (c), the department may not release to or allow inspection of sealed juvenile history data by any agency or person other than the person who is the subject of the

juvenile history data.

(c) A court may not order the release or inspection of sealed juvenile history data unless the person who is the subject of the sealed juvenile history data challenges its existence during a court proceeding.

As added by P.L.2-2003, SEC.4.

IC 10-13-4-14

Rules; challenges to accuracy of information

Sec. 14. (a) The council shall adopt rules under IC 4-22-2 to do the following:

- (1) Assure the completeness and accuracy of juvenile history data.
- (2) Protect information from loss, alteration, destruction, or improper direct access to the information files.
- (3) Prevent unreasonable interference with the regular discharge of the duties of employees of law enforcement agencies.
- (4) Carry out this chapter.

(b) If a person makes a challenge under section 12(b) of this chapter, the department shall:

- (1) make the changes requested, if the department determines the data is in error; or
- (2) conduct a hearing under IC 4-21.5, if requested by the person making the challenge.

(c) The rules adopted under this chapter must provide for inspection and release of juvenile history data in a reasonable and timely manner.

As added by P.L.2-2003, SEC.4.