

Bill as Introduced

HB 1465 - AS INTRODUCED

2012 SESSION

12-2359

04/05

HOUSE BILL

1465

AN ACT

relative to criminal records of juvenile offenders.

SPONSORS:

Rep. Terrio, Hills 14

COMMITTEE:

Children and Family Law

ANALYSIS

This bill allows access to juvenile records in cases in which the juvenile was convicted of a violent crime or a sexual offense.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to criminal records of juvenile offenders.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; Juvenile Case and Court Records. Amend RSA 169-B:35, III by inserting
2 after subparagraph (d) the following new subparagraph:

3 (e) Any person shall have access to juvenile case records as defined in RSA 170-G:8-a
4 and juvenile court records from proceedings brought under this chapter in which the juvenile was
5 found to have committed a violent crime as defined in RSA 651:5, XIII or a sexual offense as defined
6 in RSA 651-B:1, V.

7 2 Effective Date. This act shall take effect 60 days after its passage.

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HOUSE BILL 1465

BILL TITLE: relative to criminal records of juvenile offenders.

DATE: January 19, 2012

LOB ROOM: 206 **Time Public Hearing Called to Order:** 10:10 am

Time Adjourned: 11:25 am

(please circle if present)

Committee Members: Reps. Moran, Hogan, J. Brown, Gargano, Dowling, J. Johnson, DeSimone, Katsakiores, Sapienza, Soucy, Perkins, Oigny, Robbins, Grassie, Gould, Lovejoy and Porter.

Bill Sponsors: Rep. Terrio, Hills 14

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dowling, Introduced the bill (sponsor was not present)

Chris Dornin, Citizens for Criminal Justice Reform – opposes
Group opposes piecemeal change of juvenile laws. Mediasensation, not helpful, has unintended consequences. Protect the child from full glare of public.

Rep. Robbins: Q. What types of records accessible if this bill passes? Ans. The press loves this and could inflame info and demonize youth. If rehabilitated correctly, there is hope. This bill gives glare of television exposure when young and endangers the public.

Rep. Robbins: Q. Will this bill allows public access of a juvenile such as psychological reports, rape and abuse reports, etc? Ans. Yes. Q. Can I now obtain same records if individual commits offenses as an adult? Ans. Under some circumstances, yes.

Rep. Porter: Q. The sponsor is not here, what is the societal benefit of this bill? Ans. There is a strong movement to be tough on crime and punish them but sets them up for bullying. Public interest to know who offenders are but becoming a spectator sport (in press).

Rep. Gould: Protection now for juvenile records release, sealed; still when an adult; this would open up juvenile records even as an adult. Potentially a 10 or 11-year old with violent act would be released to public. University of New Hampshire has one of the world's best research labs on domestic violence. Sexual violent acts of young people have are committed by minors. If in same school as child, classmates would know. Every sex offense in New Hampshire defined as violent, also victims exposed. Federal guidelines re Adam Walsh put sex offenders of young on registry, possibly for life.

Rep. Lovejoy: Q. Is a child of 12 years, open up to the registry?
Dornin: Ans. I don't know, possibly.

Jack Lightfoot, Children and Family Services – opposes

Don't know sponsor's intent, juvenile records are already available to victims of crime. 1995-1996 – these laws took effect: RSA 169-B: 34 – victim has the right to be at hearing, prosecution can tell victim what was said at arraignment; RSA 169-B: 35A-Victims' "bill of rights"; same as above but if violent or sexual crime, most victims need to know more information, notification of court hearings, consult with prosecution, input in disposition report, repeal, notice of all review hearings. Victim has the right to know justice was done. Can be voluminous records in ongoing treatment.

Rep. Robbins: What is the societal benefit of getting full records, including court records? Put on YouTube or the internet? Ans. Under Section 34 or 35A, it is unlawful for the victim to further divulge information. As a victim of an adult crime, records are public (only conviction records), cannot get counseling, medications, etc. Q. If bill passes, adult (older than 18 yrs.) commits an offense, records are open. At age 16, barn door would be open to state records? Ans. 16 years old – certified as an adult, does this bill apply? Records are sealed except for court records – juvenile court records/counseling records no; but with this bill records would be wide open.

Rep. Dowling: Juvenile law in state, true or untrue (not guilty or innocent) 17 years old considered adult for these acts. Why protect records in the first place? Ans. Kids more amenable to rehabilitation. Strong link between child abuse and later delinquency. Keeping their privacy helps with rehabilitation. Q. Previous sex exploit by someone put out in public does not help them. If the offenses go public, can they join the armed forces? Ans. I don't know.

Rep. Gould: Q. Current juveniles affected by this bill, but past records are available? Become public and affect them? Ans. Background work coming out 20 years before could become public and be damaging to the victim.

Claire Ebel, New Hampshire Civil Liberties Union – opposes

Dreadful piece of legislation. Violates every tenant of rehabilitation and negates juvenile justice system. Old history will remain unearthed, once begin list of exception, list grows, and ultimately the petty and the serious are exposed. Previous year's information could be published. In case and court records there is a voluminous amount of information – victimization of perpetrator. If you had a child or grandchild offender, information could be in these records about you i.e. mastectomy – private information known only to the family, but this would be open to all when you may not want others to know.

Michael Skibbie, Attorney, Disabilities Rights Center – opposes

University of New Hampshire research on disabilities and delinquency shows how anti-social juveniles are and why we treat them differently. Correlated with being brought into court – disabilities of child, to control impulses, counter a parent, police office, and relationship with attorney, presents themselves to a judge. Difficult to control emotions and they are not clever, lousy crooks and lousy defendants. This bill feels kids who commit crimes are not redeemable. Senator Alan Simpson's "Second Chances Project," -- Problem kids who were involved with the juvenile justice system that turned their lives around; more effective to deal with juvenile in private; stay connected to their school. Public ostracism makes it difficult for kids to attach to school --- need structure.

Rep. DeSimone: New 30 second game in elementary and junior high schools. Two girls meet in ladies room and beat the crap out of each other. The loser is arrested on school property. Results – convicted – future- applying to colleges; excluded by peers when information is known.

Rep. Moran: Could result in negative behavior.

Michael Skibbie: Send "message to kids" usually doesn't work. Juvenile crime rate has been declining. Third lowest rate in United States since before 1980 (New Hampshire). Less lead in environment, legal abortion, less unwanted child in poor communities; child of baby boomers has gone down.

Rep. DeSimone: Divide programs effective with decrease? Keep kids out of court with a diversion program. Better, more informed; better to fortify what's already in the child's life. 95% of juvenile involved with juvenile justice system encounter it once

Attorney Byree, Division of Children, Youth and Families
Information to sponsor of bill, there is a list; there are mechanism to prosecute juveniles as adults as per definitions, sexual assaults goes to registry. Which convictions would apply to this? Which reference is relevant? How can we say this is being dealt with now?

Rep. Grassie: Unless a juvenile is developmentally inappropriate, juvenile vs. adults list words have this in records, out in the open; offender becomes an adult offender; juvenile records can be put in court records and can be used for future sentencing purposes. Police currently have access to records for investigation.

DeSimone: Why does the public have any need for any of these records?

Respectfully submitted,

Edith A. Hogan

Edith A. Hogan, Acting Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HOUSE BILL 1465

BILL TITLE: relative to criminal records of juvenile offenders.

DATE: {Type HEARING DATE here} 1-19-2012

LOB ROOM: 206 Time Public Hearing Called to Order: {Time} 10:10 a.

Time Adjourned: {Time} 11:30

(please circle if present)

Committee Members: Reps. Moran, Hogan, J. Brown, Gargas, Dowling, J. Johnson, DeSimone, Katsakiores, Sapienza, Souey, Perkins, Oligny, Robbins, Grassie, Gould, Lovejoy and Porter

Bill Sponsors: Rep. Terrio, Hills 14

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

See additional

Respectfully submitted,

Jane B. Johnson, Clerk

Edith A. Hogan, Acting Clerk

HB 1465

D. Hogan notes

Rep Dowling / opened bill
intro bill
(sponsor not here)

Chris Alonzo /
Citizens for Justice Reform
(chair)
(con on this)

piece need chg to ^{juv.} (youth) offenders
HB 1567 (same topic) (pm bill)
unintended conseq.; protect child from full
glare of public

Rabkins / types of records accessible if this passed

Donner / press loves this & could inflame info & demonize youth;
if reliable correctly, there is hope; this gives glare of TV
exposure when young & endangers public

Rabkins / bill allow public access records of a juv. - psychological reports,
rape & abuse reports?

Donner yes

Rabkins / can I now obtain ^{some} records if indiv commits offenses as an
adult?

Donner / some circ. - yes

Porter / sponsor not here? societal benefit of this bill

Donner / strong movement to be tough on crime & punish them but
sets them up for bullying / pub interest to know who offenders
are but becoming a spectator sport (in press)

Gold / protect today about juv. records release, sealed; still when
an adult; this would open up juv. even as an adult; →

potentially a 10 or 11 yr old (w violent act would be released to public
(juv.)
UNH report - sexual viol. of young people - 1/3 committed by
meniors

if in same school as child - class mates would know

Lovejoy / child of 12 open up to registry?

~~Domini~~ / Don't know, possibility.

Jack Lightfoot / Don't know sponsors intent - ^{art.} juv. rec. already avail to
vict. of crime RSA 169 B34, vic has right to be at hearing,
Con prosecution can tell vict what was said @ arraignment
35A - vict "bill of rights" - same as above but viol or sexual
cr., more info notified of court hearings, consult @ prosecution,
input in deposit report, report, notice of all revision hearings
if victims found true (1995 + 1996 took effect - these laws)

Rabkins / societal benefit to getting full records, includ court records?
put on you tube or internet?

Lightfoot / under both - unlawful to further disclose info as a victim
as an ^{vict} adult crim, records public info
can i get 9k crim records? not @ out ok - only crime records
not counseling records, therapeutic - convicted of XYZ, only those

Rabkins / bill passes, adult commit an offense - most records sealed

Lightfoot / 1b - bar door open to state records
" certified as an adult - does this bill apply? ^{certified as} adult
sealed

at records open / counseling records no but @ this bill wide open

Woulby / Jew, laws in state, + race or un+ race (not guilty or innocent
17 consis adult for these

why protect rec. in 1st place?

Jew. more able to be re-habilitated + keeping their privacy
helps @ rehab.

previous sex exploit by someone out in public doesn't help
them

Woulby + offenses public - can join armed forces? Don't know

Gould + current Jew. effected by this bill but past records avail?

become public? + effect them

AL + background work coming out 20 yrs before could become public
+ damaging to victim

Claire Eball / open access - Jew. can be treated + become successful -

Exec Dir
NH Civil

Lib Union

pre years info could be published, embarrass -
once exp to a law, list expands + in future even

(con)

thing @ become public - case rec as @ a court is a lot
of info about victim, victimization of perpetrator - all kinds
of protected data accessible to anyone - could be grandmother

having mastectomy + only known to imed. family but this would open
do all where she didn't want others to know.

Atty Michael
SKibbey;
Disabilities
Rights

UNH research on disability + delinquency - anti social are very

(Jew.) have committed felony offenses (most are not violent)

correlated - disability of child; control impulses, counter a
parent, police officer, relationship @ atty, present themselves to

a judge (prob. @ impulse control - they make long crooks)

kids who commit crimes are not re-deemable (this bill feels) "Second Chance Project" - prob kids who turned their lives around / more effective to deal @ juv. in private / stay connected to their school, public ostracizing, will show school, no education + future.

De Simone / new game in schools - 30 sec. game 2 girls meet in girls room, beat each other out of @ other + most beaten is loser.

(elementary) Convicted / future; applying to colleges - effect of being restricted to colleges; excluded by peers when info known

Wasson / could produce result in negative

W. S. Kirby / send "message to kids" usually doesn't work / juv. crime rate has been declining / 3rd lowest in US since before 1980

(NH)

less bad in environment
legal abortion - less unwanted child in poor communities
child of baby boomers has gone down

De Simone / ÷ programs effective @ decrease?

keep kids out of court @ a diversion program, better / more informed
better / better to partly what's already in the child's life
95% of juv. involved in juv. just. system encounter it once

Byree
atty for DCF / info to sponsor of bill you could recall; there is a list;
DCF there are mechanisms to process juv as adults as per definitions
sexual assaults goes to registry - which convictions would apply to this? which reference is relevant?

How can we say this is being dealt @ now? Byree gave sample sentence + then listen.

Grossie / unless a juv is developmentally inappropriate
juv vs adults, ^(list) would have this in records at a open
" offender becomes adult off. , juv. rec can be put in court
records + can be used for future sentencing purposes. Police
currently have access to records for investigation.

DiS amore / why public need record for any of these records?

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1465

BILL TITLE: relative to criminal records of juvenile offenders.

DATE: February 2, 2012

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. A. Grassie

Seconded by Rep. P. Dowling

Vote: 11-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

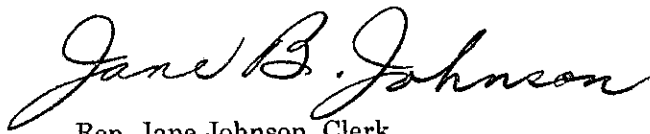
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Jane Johnson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1465

BILL TITLE: relative to criminal records of juvenile offenders.

DATE: ~~{Type DATE}~~ 2.2.12

LOB ROOM: 206

Amendments:

~~Sponsor: Rep.~~

~~OLS Document #:~~

~~Sponsor: Rep.~~

~~OLS Document #:~~

~~Sponsor: Rep.~~

~~OLS Document #:~~

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Ann Heaslip*

Seconded by Rep. *Pat Bowling*

Vote: *11-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane Johnson, Clerk

CHILDREN AND FAMILY LAW

Bill #: HB1465 Title: _____

PH Date: 02 / 02 / 12

Exec Session Date: 02 / 02 / 12

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
Hogan, Edith A, V Chairman	✓	
Brown, Julie M	✓	
Gargas, Carolyn M	—	
Dowling, Patricia A	✓	
Johnson, Jane B, Clerk	✓	
DeSimone, Debra L	✓	
Katsakiores, Phyllis M	✓	
Sapienza, Marie N	—	
Perkins, Amy S	—	
Cartwright, Anne S	—	
Oigny, Jeffrey D	—	
Robbins, David S	—	
Grassie, Anne C	✓	
Gould, Franklin F	✓	
Lovejoy, Patricia T	✓	
Porter, Marjorie A	✓	
	11	0
	6 absent	

Committee Report

CONSENT CALENDAR

February 8, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CHILDREN AND FAMILY LAW to which
was referred HB 1465,

AN ACT relative to criminal records of juvenile offenders.

Having considered the same, report the same with the
following Resolution: **RESOLVED**, That it is **INEXPEDIENT**
TO LEGISLATE.

Rep. Anne C. Grassie

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB 1465
Title:	relative to criminal records of juvenile offenders.
Date:	February 8, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill provides that any person shall have access to juvenile case and court records from proceedings where a juvenile was found to have committed a violent crime or sexual offense.

The sponsor did not appear and the testimony was uniformly opposed to the bill. The ostensible intent was to protect the public, but the result of such law could well be just the opposite.

New Hampshire already has provision in law that minors who have committed felonies may be certified to stand trial as adults, with attendant public scrutiny. Laws which took effect in 1995-1996 made voluminous juvenile records available to victims of crime.

This bill presumes all juvenile perpetrators of serious crime are irretrievably depraved. This notion is not supported by the evidence. For instance, Texas, noted for being tough on crime and death row executions, has developed a model treatment program specifically for serious violent juvenile offenders and a program for sex offenders. For the violent offender program, recidivism within a year is now 3%, and sex offer program is 2%.

This bill would isolate and ostracize and further alienate juvenile offenders when appropriate consequences and constructive engagement are warranted so as not to create an individual who is lost for a lifetime.

The public access to records would further victimize victims and make victims out of innocent parties who may be family members discussed in medical, police or psychological records. It allows for an unwarranted intrusion by an often merciless media. The bill would be indiscriminately punitive of guilty and innocent alike, to no good end.

Vote 11-0.

Rep. Anne C Grassie
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1465, relative to criminal records of juvenile offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne C. Grassie for CHILDREN AND FAMILY LAW. This bill provides that any person shall have access to juvenile case and court records from proceedings where a juvenile was found to have committed a violent crime or sexual offense.

The sponsor did not appear and the testimony was uniformly opposed to the bill. The ostensible intent was to protect the public, but the result of such law could well be just the opposite.

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This bill presumes all juvenile perpetrators of serious crime are irretrievably depraved. This notion is not supported by the evidence. For instance, Texas, noted for being tough on crime and death row executions, has developed a model treatment program specifically for serious violent juvenile offenders and a program for sex offenders. For the violent offender program, recidivism within a year is now 3%, and sex offender program is 2%.

This bill would isolate and ostracize and further alienate juvenile offenders when appropriate consequences and constructive engagement are warranted so as not to create an individual who is lost for a lifetime.

The public access to records would further victimize victims and make victims out of innocent parties who may be family members discussed in medical, police or psychological records. It allows for an unwarranted intrusion by an often merciless media. The bill would be indiscriminately punitive of guilty and innocent alike, to no good end. **Vote 11-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

cc

COMMITTEE:

Children & Family Law

BILL NUMBER:

HB 1465

TITLE:

relative to criminal records of juvenile offenders

DATE:

8.7.2012

CONSENT CALENDAR:

YES

NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

MAJORITY REPORT VOTE 11-0

INEXPEDIENT TO LEGISLATE

HB 1465, relative to criminal records of juvenile offenders.

Rep. Anne C. Grassie

This bill provides that any person shall have access to juvenile case and court records from proceedings where a juvenile was found to have committed a violent crime or sexual offense.

The sponsor did not appear and the testimony was uniformly opposed to the bill. The ostensible intent was to protect the public, but the result of such law could well be just the opposite.

New Hampshire already has provision in law that minors who have committed felonies may be certified to stand trial as adults, with attendant public scrutiny. Laws which took effect in 1995-1996 made voluminous juvenile records available to victims of crime.

This bill presumes all juvenile perpetrators of serious crime are irretrievably deprived. This notion is not supported by the evidence. For instance, Texas, noted for being tough on crime and death row executions, has developed a model treatment program specifically for serious violent juvenile offenders and a program for sex offenders. For the violent offender program, recidivism within a year is now 3%, and sex offer program is 2%.

This bill would isolate and ostracize and further alienate juvenile offenders when appropriate consequences and constructive engagement are warranted so as not to create an individual who is lost for a lifetime.

The public access to records would further victimize victims and make victims out of innocent parties who may be family members discussed in medical, police or psychological records. It allows for an unwarranted intrusion by an often merciless media. The bill would be indiscriminately punitive of guilty and innocent alike, to no good end.

See attached report for minority report

Rep.

[Signature]
all

For the

[Signature]
OK EPM.

~~This bill would allow public access to~~
 This bill provides that any person shall have access to juvenile case ~~records~~ and court records from proceedings where a juvenile was found to have committed a violent crime or sexual offense.

The sponsor did not appear and the testimony was uniformly opposed to the bill.

The ostensible intent was to protect the public, but the result of such ^{law} could well be just the opposite.

New Hampshire already has provision in law that minors who have committed felonies may be certified ~~as~~ to stand trial as adults, with attendant public scrutiny. ^{voluminous} Juvenile records are already available to victims of crime, found in RSA Laws ~~and taking effect in 1995~~ ¹⁹⁹⁶. Laws which took effect in 1995-1996 made voluminous juvenile records available to victims of crime.

HB 1465 ~~seems to~~ presumes all juvenile perpetrators of serious crime are ~~irretrievably~~ ~~rather~~ irretrievably depraved. This notion is not supported by the evidence. For instance, Texas, noted for being tough on crime and death row executions, has developed a model treatment program specifically for serious

Violent juvenile offenders and a program for sex offenders. For the violent offenders program, recidivism within a year is now 13%, and sex offenders program is 2%.

This bill would isolate, ~~and~~ ostracize and further alienate juvenile offenders, when appropriate consequences and constructive engagement are warranted so as not to create an individual who is lost for a lifetime.

The public access to records would further victimize victims ^{and} make victims out of innocent parties who may be family members discussed in medical, police or psychological records. It allows for an unwarranted intrusion by an often needless media, ~~and~~

The bill would be indiscriminately punitive of guilty and innocent alike, to no good end.

Anne Grassie
for the Committee
H-O for I.T.L.