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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 50

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUVENILE RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1063 of Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1063. Proceedings; privacy, informality

(a) All proceedings before the Court and all records of such proceedings may be private except to the extent that the Court may consider publication in the public interest except as provided below in subsection (b) of this section; provided, however, that proceedings in a crime classified as a felony shall be open to the public. Proceedings may, within the Court's discretion, be informal, but shall be consistent with decorum and the law.

(b) All records concerning any child shall be made available to the Superior Court and the Department of Services for Children, Youth and Their Families, and whenever a child is arrested, ~~convicted or acquitted for~~ or found delinquent of a crime classified by Title 11 as a felony, or a class A misdemeanor for juveniles ages ~~13-16~~ through 17, the Clerk of the Family Court, or any state or local police authority, shall not have the child's name, address, photograph, or video show unless or until the child is charged as an adult, and shall not release the name and address of the child and the name of the child's parents upon request by a responsible representative of public information, commercial, and social media. The name or address of a child, or the name of the child's parents, as well as any mug shot or identifying photo of the child, must not be released or published on a publicly-maintained social media page or web site unless the child is 16 years of age or older and charged with or found delinquent of a crime classified by Title 11 as a felony, or a Class A misdemeanor. Nothing in this section applies to the release of information regarding children facing charges as an adult in Superior Court.

SYNOPSIS

Recognizing that a criminal charge can have lasting collateral consequences for a juvenile on employment and education opportunities, this bill raises the age in which a juvenile's information, such as their name and mug shot, may be released by the state. The bill also seeks to address issues related to the release of such information on publicly-maintained social media pages.

This bill seeks to balance both the rights of juveniles and the public's right to know by saying that the names and photos of juveniles who have been charged and/or found delinquent of Class A misdemeanors, and Title 11 felonies, may only be released when the offending juvenile is 16 or older.

This legislation also adds clarifying language to prevent the inadvertent release of sensitive information online that could have lasting impacts on a juvenile long after they have been charged, and in some cases, acquitted, of a crime.