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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

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A N A C T

RELATING TO FAMILY COURT -- JURISDICTION

Introduced By: Senators Alves, and Paiva-Weed

Date Introduced: June 22, 2007

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 Section 1. Section 14-1-6 of Chapter 14-1 entitled "Proceedings in Family Court" is
2 hereby amended to read as follows:

3 **14-1-6. Retention of jurisdiction.** -- (a) When the court shall have obtained
4 jurisdiction over any child prior to the child having attained the age of ~~seventeen~~ eighteen by the
5 filing of a petition alleging that the child is wayward or delinquent pursuant to § 14-1-5, the child
6 shall, except as specifically provided in this chapter, continue under the jurisdiction of the court
7 until he or she becomes nineteen (19) years of age, unless discharged prior to turning nineteen
8 (19). When the court shall have obtained jurisdiction over any child prior to the child's
9 eighteenth birthday by the filing of a petition alleging that the child is dependent, neglected and
10 abused pursuant to § 14-1-5 and 40-11-7, the child shall, except as specifically provided in this
11 chapter, continue under the jurisdiction of the court until he or she becomes eighteen (18) years of
12 age; provided, that prior to an order of discharge or emancipation being entered, the court shall
13 require the department of children, youth, and families to provide a description of the transition
14 services afforded the child in placement or a detailed explanation as to the reason those services
15 were not offered; provided further that any youth who comes within the jurisdiction of the court
16 by the filing of a wayward or delinquent petition based upon an offense which was committed
17 prior to July 1,2007, including youth who are adjudicated and committed to the Rhode Island
18 Training School and who are placed in a temporary community placement as authorized by the
19 family court, may continue under the jurisdiction of the court until he or she turns twenty one

1 (21) years of age.

2 (b) In any case where the court shall not have acquired jurisdiction over any person prior
3 to the person's eighteenth birthday by the filing of a petition alleging that the person had
4 committed an offense, but a petition alleging that the person had committed an offense which
5 would be punishable as a felony if committed by an adult has been filed before that person attains
6 the age of nineteen (19) years of age, that person shall, except as specifically provided in this
7 chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
8 age, unless discharged prior to turning nineteen (19).

9 ~~(b)~~ (c) In any case where the court shall not have acquired jurisdiction over any person
10 prior to the person attaining the age of ~~seventeen~~ nineteen years by the filing of a petition alleging
11 that the person had committed an offense prior to the person attaining the age of ~~seventeen~~
12 eighteen years which would be punishable as a felony if committed by an adult, that person shall
13 be referred to the court which would have had jurisdiction over the offense if it had been
14 committed by an adult. The court shall have jurisdiction to try that person for the offense
15 committed prior to the person attaining the age of ~~seventeen~~ eighteen years and, upon conviction,
16 may impose a sentence not exceeding the maximum penalty provided for the conviction of that
17 offense.

18 ~~(e) Any person who has attained the age of seventeen years or older who commits an~~
19 ~~offense which would constitute a felony or a misdemeanor if committed by an adult prior to his or~~
20 ~~her eighteenth birthday, that person shall be referred to the court which would have had~~
21 ~~jurisdiction over the offense if it had been committed by an adult. The court shall have~~
22 ~~jurisdiction to try that person for the offense committed prior to his or her eighteenth birthday~~
23 ~~and, upon conviction, may impose a sentence not exceeding the maximum penalty provided for~~
24 ~~the conviction of that offense.~~

25 (d) In any case where the court has certified and adjudicated a child in accordance with
26 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
27 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
28 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
29 for the conviction of the offense.

30 (e) Nothing in this section shall be construed to affect the jurisdiction of other courts
31 over offenses committed by any person after he or she reaches the age of nineteen (19) years.

32 SECTION 2. Chapter 14-1 of the General Laws entitled "Proceedings In Family Court" is
33 hereby amended by adding thereto the following sections:

34 **14-1-6.1. Records.** – (a) In any case where a court shall have obtained jurisdiction of a

1 juvenile having attained the age of seventeen (17) years pursuant to 2007 P.L. 73, Article 22,
2 section 1:

3 (i) all police records relating to the arrest, detention, apprehension and disposition of the
4 juvenile and all records of identification maintained pursuant to chapter 12-1 of the general laws
5 shall be treated as family court records in accordance with sections 14-1-64 and 38-2-2 of the
6 general laws; provided, however, that no person and no department, agency or any other
7 instrumentality of the state or of any subdivision thereof shall be held liable or otherwise legally
8 accountable for having disclosed or disseminated any such records in reasonable reliance upon
9 the law in effect between July 1, 2007, and the effective date of this act; and provided further that
10 nothing in this section shall be deemed to prohibit the use of witness statements and other police
11 records in the course of judicial proceedings initiated prior to the effective date of this act; and

12 (ii) all court records of such proceedings shall be sealed upon final disposition of the case
13 in the event of a no information, dismissal or not guilty finding or upon the completion of any
14 sentence, probation and/or parole imposed therein.

15 **14-1-6.2. Sentencing.** – In any case in which the court shall have jurisdiction of a
16 juvenile pursuant to this chapter, the court shall consider placing the juvenile in the least
17 restrictive appropriate facility or program.

18 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would create the requirement for sealing a juvenile's criminal records in cases
2 where the court obtains jurisdiction of a juvenile after the age of seventeen (17) and further
3 allows the court to place a juvenile in the least restrictive, appropriate facility for sentencing.

4 This act would take effect upon passage.

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