



## **Treatment of Juvenile Public Court Hearings and Records: Minnesota Compared to Other States**

Generally, states presume that juvenile court hearings and records are not open to the public. The states differ, however, in the manner in which the privacy is broken and the records are open to the public.

First, a very few states, including Minnesota, will open the files when the juvenile is *alleged* to have committed any felony. Second, some states specify certain crimes, or levels of crimes, that will break the privacy. For instance, a state may require that a crime punishable by death or life imprisonment, or a series of felonies occur before the juvenile's records are open. More frequently, states identify violent felonies, the use of firearms, sexual assault, and drug distribution crimes as triggers to break the presumption of privacy. In addition, it is also common for states to use levels of adjudication to break the privacy, and also to allow judicial discretion as to when hearings and records are public. The third category of juvenile records treatment is in fact an analog of the second category; if the juvenile is tried, or transferred to adult court, then his records are open to the public. Many of the charges that will break the privacy of a juvenile's records are also the same charges that may require that the juvenile be tried as an adult. Nearly all states, including Minnesota, will waive the protection of closed hearings if the youth is transferred into adult court. Each state then has their own specific laws regarding the circumstances in which a youth will be tried as an adult.

Minnesota falls into the first, most permissive, category, where the juvenile's records are open to the public if *any* felony level offense is *charged* or *alleged*. Several other states follow this law including: Arkansas; Delaware; Georgia; Idaho; Oklahoma; Pennsylvania; Utah; Vermont, and; Virginia. This category subjects the greatest number of juveniles to future barriers due to their juvenile conduct because any felony offense charge will destroy the privacy of the juvenile's records. Given that prosecutors may charge the highest level offense possible and then plead down to a lesser and more fitting charge, many juveniles will lose the privacy of their records for non-violent offenses and first-time conduct, significantly hindering their future access to employment and housing.

By providing the court with discretion as to when court juvenile court hearings for 16 and 17 year olds are public, Minnesota will move from having some of the most potentially damaging laws for the future prospects of our youth, to a more balanced approach that protects our youth while also protecting public safety in the case of more serious crimes committed by 16 and 17 year olds.

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