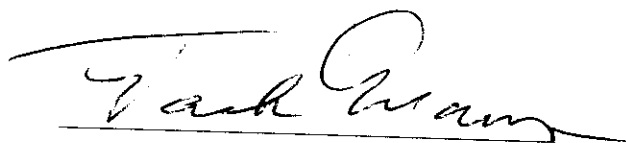
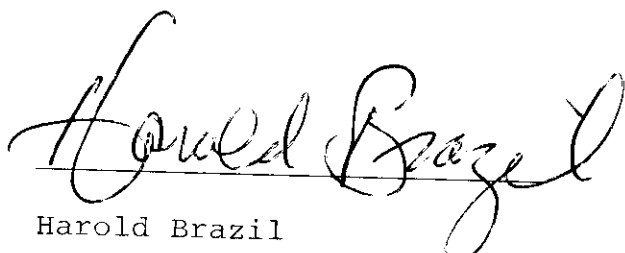


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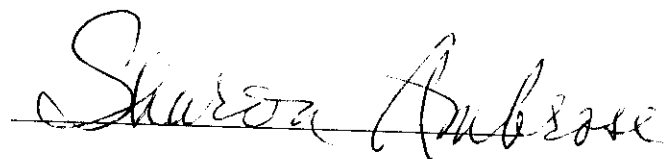
2 Kathy Patterson



Jack Evans

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4
5 

6 Harold Brazil



Sharon Ambrose

8 A BILL

9
10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

11
12 To amend Section 16-2316 of the District of Columbia Official Code to allow public access to
13 juvenile delinquency or a child in need of supervision proceedings unless a judge
14 determines that circumstances warrant exclusion of the general public or a specific
15 person, and to provide factors for judges to consider in making such a determination.
16

17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 act may be cited as the "Public Access to Juvenile Justice Amendment Act of 2004".

19 Section 16-2316 of the District of Columbia Official Code is amended as follows:

20 (a) Subsection 16-2316(e) is amended to read as follows:

21 "(e) All hearings and proceedings under this subchapter shall be recorded by appropriate
22 means. Except in hearings to declare a person in contempt of court, or in hearings for cases
23 concerning juvenile delinquency or a child in need of supervision as provided in subsection (f)
24 below, the general public shall be excluded from hearings arising under this subchapter. Only
25 persons necessary to the proceedings shall be admitted, but the Division may, pursuant to the
26 rule of the Superior Court, admit such other persons (including members of the press) as have a

1 proper interest in the case or the work of the court on condition that they refrain from divulging
2 information identifying the child or members of the child's family involved in the proceedings.

3 (b) A new subsection (e-1) to read as follows:

4 "(e-1) Hearings and proceedings for cases concerning juvenile delinquency or a child in need of
5 supervision are presumed open to the public. The general public, including members of the
6 press, shall not be excluded from hearings or proceedings for cases concerning juvenile
7 delinquency or a child in need of supervision unless the judge presiding in the courtroom
8 determines, on a case-by-case basis based upon supporting evidence, that exclusion from a
9 proceeding or portion of a proceeding is warranted in that case. In exercising discretion to
10 exclude any person or the general public, the judge may consider, among other factors, the
11 following:

12 "(1) whether the person is causing or is likely to cause a disruption in the proceedings;

13 "(2) whether the presence of the person is objected to by the Corporation Counsel or
14 counsel for the respondent child for a compelling reason;

15 "(3) the best interests of the respondent child or any other child involved in the
16 proceedings, including whether the need to protect children involved in the proceeding from
17 harm requires that some or all observers be excluded from the courtroom;

18 "(4) the age of the child respondent;

19 "(5) the interest of the public in open proceedings concerning charges of conduct
20 which would constitute a felony if committed by an adult; and

21 "(6) whether less restrictive alternatives to exclusion are unavailable or inappropriate
22 to the circumstances of the particular case.

1 Whenever the judge exercises discretion to exclude any person or the general public from a
2 proceeding or part of a proceeding, the judge shall make findings on the record prior to ordering
3 exclusion.

4 Sec. 3. Fiscal impact statement. The Council finds there is no fiscal impact.

5 Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto
6 by the Mayor, action by the Council to override the veto), a 30-day period of Congressional
7 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
8 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
9 District of Columbia Register.