

IDAHO

In Idaho, adjudications are treated like convictions. Under IDAHO ADMIN. CODE. § 16.05.06.010, an individual is considered to have been convicted of a criminal offense when:

- A judgment of conviction or an adjudication has been entered against the individual by a federal, state, military, or local court;
- There has been a finding of guilt against the individual made by any federal, state, military, or local court;
- A plea of guilty or *nolo contendere* by the individual has been accepted by any federal, state, military, or local court; and
- Where the individual has entered into or participated in a first offender, deferred adjudication, or other arraignment or program where judgment or conviction has been withheld.

Juvenile Record Contents

A juvenile record includes court dockets, petitions, complaints, information about arraignments, trials, sentencings, probation violation hearings and dispositions, motions and other papers filed in any case in any district, transcripts of testimony taken by the court, and findings, verdicts, judgments, orders, decrees and other papers filed in proceedings before the court of any district. IDAHO CODE § 20-525.

Confidentiality of Law Enforcement Records

There is no distinction between law enforcement and court records.

Confidentiality of Court Records

Juvenile courtroom proceedings and records are closed to the public only if the accused is under the age of 14 and not charged with an offense that would be a felony if committed by an adult and the court determines such records should be closed. IDAHO CODE § 20-525(1).

In all juvenile cases the victim is entitled to the name of the juvenile involved, the name of the juvenile's parents or guardian, and their addresses and telephone numbers, if available in the records of the court. IDAHO CODE § 20-525(1).

Exceptions to (Non) Confidentiality

An exception exists to the non-confidentiality of records for juveniles 14 and over charged with a felony only when the court and the prosecutor agree that extraordinary circumstances exist to justify keeping the proceedings and records confidential. IDAHO CODE § 20-525(2).

Availability of Records Online or in Commercial Background Reports

Whenever any child is adjudicated of a crime, the name, offense, and disposition is available to the public. IDAHO CT. ADMIN. r. 32(g)(9)(E). Juvenile records are available online. IDAHO STATE JUDICIARY, *Idaho Supreme Court Data Repository*, <https://www.idcourts.us/repository/start.do>.

Consequences for Unlawfully Sharing Confidential Information

No information found.

Sealing or Expungement

Expungement: IDAHO CODE § 20-525A

Excluded Offenses

A juvenile's conviction for specific violent, sexual or drug trafficking and manufacturing crimes *cannot* be expunged. The list of crimes is enumerated by statute and includes, among others, aggravated battery, arson, rape, voluntary manslaughter, and drug trafficking violations. IDAHO CODE § 20-525A(4).

Automatic (without application)

No information found.

Eligibility

IDAHO CODE § 20-525A lays out the process for expungement for youth adjudicated under the Juvenile Corrections Act. Idaho does not have a separate provision to seal juvenile record information, but expungement does result in a sealed, confidential record. If the court grants the requested expungement, all records in the petitioner's case will be removed from public access. This includes fingerprints and law enforcement investigatory reports. The Idaho Juvenile Corrections Act uses the terms "expunge" and "seal" interchangeably.

Felonies: After the expiration of 5 years from the date of termination of the continuing jurisdiction of the court, 5 years from the date the juvenile was released from the juvenile correctional center if he was committed, or after the juvenile reaches 18 years of age, whichever occurs last, a juvenile may petition the court for expungement of his record. IDAHO CODE § 20-525A.

Misdemeanors and Status Offenses: After the expiration of one year from the date of termination of the continuing jurisdiction of the court or after the juvenile reaches age 18, whichever occurs later, a juvenile may petition the court for expungement of his record. IDAHO CODE § 20-525A.

Diversion: After the expiration of one year from the date of termination of the continuing jurisdiction of the court or after the juvenile reaches age 18, whichever occurs later, a juvenile may petition the court for expungement of his record. IDAHO CODE § 20-525A.

Notification

No information found.

Petition/Application

A petition to expunge filed pursuant to IDAHO CODE § 20-525A shall apply only to actions pursuant to the Juvenile Corrections Act. The petition to expunge must contain the name of the juvenile seeking the expungement, and the name of all agencies and their addresses with the records the petitioner seeks to have expunged. The petition must also make evident that the child has waited the requisite 1 or 5 year period described above and is in compliance with the provisions of IDAHO CODE § 20-525A. The petition must be filed in the county where a disposition was entered under oath and verified by the child. A petition shall be filed in each case in which the child seeks to have records expunged. IDAHO JUV. r. 28. If the petition is being filed pursuant to IDAHO CODE § 20-525A(3) and no file exists, a new juvenile proceeding shall be opened upon the filing of the petition to expunge.

Hearing

Upon the filing of a petition to expunge, the clerk shall set a hearing date and give notice to the petitioner, the prosecutor, any entity or person as requested by the petitioner, or as directed by the court. The prosecutor shall comply with the provisions of IDAHO CODE § 19-5306. The hearing shall be set not less than 14 days from the filing of the notice of hearing. Cases involving the same petitioner may be joined for hearing.

At the hearing or pursuant to stipulation, the court shall consider any relevant evidence and make findings. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing. IDAHO CODE § 20-525A. Written findings of fact are not necessary. Upon a determination that the requirements of IDAHO CODE § 20-525A have been met, the court shall enter an order expunging the appropriate records.

Court Process

At the hearing, the court must verify that the juvenile has not been adjudicated or convicted of certain crimes and that there are not any pending criminal proceedings at the time. If the court concludes that the juvenile has been held accountable for the prior crime, has become a contributing member of society, and expungement will not endanger public safety, the court will order the removal of the juvenile's files from public indices and records. All records in the custody of the court, other agencies, or officials will be ordered "sealed." The court ordering the records to expunged shall keep a special index of expungement proceedings, which is accessible by court order only to individuals who are either the subject of the records or named in the petition. IDAHO CODE § 20-525A(5).

Upon a determination that the statutory requirements have been met, the court shall enter an order expunging the appropriate records. The clerk shall attach to the order a certificate of service to the agencies noted in the petition, including the Department of Juvenile Corrections. The case will then be sealed and filed in a separate expunged record file and the case entered in the expungement index.

Effect

There shall be no disclosure of any record in an expunged case file except as provided in IDAHO COURT ADMIN. r. 32, which allows for the unsealing of records based on motions to the court). IDAHO JUV. r. 28. All records in the petitioner's case in the custody of the court and all such records, including law enforcement investigatory reports and fingerprint records, in the custody of any other agency or official shall be sealed and all references to said adjudication, diversion or informal adjustment will be removed from all indices and from all other records available to the public. IDAHO CODE § 20-525A.

Once a court expunges a youth's record, the youth's case "shall be deemed never to have occurred," and a youth may respond accordingly to inquiries about prior records. The youth has "the legal authority to deny, or at least fail to disclose, the expunged and sealed conviction." *Jensen v. State*, 72 P.3d 897, 903 (Idaho 2003) (holding that it is unlawful for state agencies to require license applicants to disclose sealed or expunged records but that doing so does not constitute an invasion of privacy). *See also* IDAHO CODE § 20-525A(5). Records of expungement proceedings themselves are also unavailable to the public.

Fee

None found.

Consequences for Sharing Sealed/Expunged Information

None found.