



NEW YORK STATE SENATOR

John A. DeFrancisco

Senate Passes Bill to Review Sealed Juvenile Records in Certain Instances

JOHN A. DEFRANCISCO June 6, 2013

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Senator John A. DeFrancisco announced that his legislation (S4792), which would allow a prompt review of sealed juvenile records in instances when a person is charged with a sex offense, passed the State Senate on June 4, 2013.

Last March, 29-year-old David Renz was on release while awaiting trial for federal child pornography charges. As a condition of his release, he was required to wear an electronic monitoring device until his trial. According to police, on March 14, 2013, Renz disabled his monitoring device and traveled to Great Northern Mall in Clay, where he abducted a woman and a ten-year-old child. He raped the child and murdered the woman. During the investigation of this crime, it was discovered that Renz had a sealed juvenile record for a previous sex offense, which he committed when he was a teenager. If the sealed record had been reviewed prior to his release, Renz may have been held in jail instead of being granted release.

“As a society, we need to allow young people to recover from youthful mistakes, which is why we have family court and sealed records. However, we have to balance that with the need to protect our most vulnerable citizens from sexual predators and murderers,” said

Senator DeFrancisco. "Prompt reviewing of a sealed record will provide authorities with more information as they make decisions about whether a defendant should be released prior to their trial date."

In most cases, children age 15 or younger who are accused of criminal conduct enter the Family Court system. Often, the child is not formally charged with a crime and the outcome of the case is sealed. If this bill becomes law, when an adult is charged with a sex crime, and the adult has a sealed juvenile record, a prosecutor could request that Family Court officials review a person's juvenile records. If the juvenile record contains a sex offense, those sealed records would be unsealed and be made available to the court, the prosecutor and the defense attorney. If the record does not include any past sex offense, the records would be kept sealed.

The bill has been sent to the Assembly and is awaiting approval by that body.