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HOUSE BILL 2348

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By Representatives Sheldon, Belcher, Brough, Riley, Broback, Ludwig, Vance, Wineberry, Beck, Forner, Locke, Fraser, P. Johnson, Inslee, Ebersole, Scott, Bowman, H. Myers, D. Sommers, Paris, Rasmussen, Prentice, Mielke, R. Johnson, Neher, Dorn, Cooper, Franklin, Rayburn, G. Fisher, Heavey, Roland, G. Cole, J. Kohl, Mitchell, Brekke, Orr, Spanel, May, Ogden, Leonard, Silver, Sprenkle, O'Brien and Appelwick

Read first time 01/15/92. Referred to Committee on Judiciary.

1 AN ACT Relating to the confidentiality of victim-identifying  
2 information in cases of child victims of sexual abuse; amending RCW  
3 7.69A.020, 7.69A.030, 13.40.140, and 13.50.050; reenacting and amending  
4 RCW 42.17.310; adding a new section to chapter 7.69A RCW; adding a new  
5 section to chapter 10.97 RCW; adding a new section to chapter 10.52  
6 RCW; creating a new section; and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature recognizes that the  
9 cooperation of child victims of sexual assault and their families is  
10 integral to the successful prosecution of sexual assaults against  
11 children. The legislature finds that release of information  
12 identifying child victims of sexual assault may subject the child to  
13 unwanted contacts by the media, public scrutiny and embarrassment, and  
14 places the child victim and the victim's family at risk when the

1 assailant is not in custody. Release of information to the press and  
2 the public harms the child victim and has a chilling effect on the  
3 willingness of child victims and their families to report sexual abuse  
4 and to cooperate with the investigation and prosecution of the crime.  
5 The legislature further finds that public dissemination of the child  
6 victim's name and other identifying information is not essential to  
7 accurate and necessary release of information to the public concerning  
8 the operation of the criminal justice system. Therefore, the  
9 legislature intends to assure child victims of sexual assault and their  
10 families that the identities and locations of child victims will remain  
11 confidential.

12 **Sec. 2.** RCW 7.69A.020 and 1985 c 394 s 2 are each amended to read  
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in  
15 this section apply throughout this chapter.

16 (1) "Crime" means an act punishable as a felony, gross misdemeanor,  
17 or misdemeanor under the laws of this state or equivalent federal or  
18 local law.

19 (2) "Child" means any living child under the age of eighteen years.

20 (3) "Victim" means a living person against whom a crime has been  
21 committed.

22 (4) "Witness" means a person who has been or is expected to be  
23 summoned to testify for the prosecution in a criminal action, or who by  
24 reason of having relevant information is subject to call or likely to  
25 be called as a witness for the prosecution, whether or not an action or  
26 proceeding has been commenced.

27 (5) "Family member" means child, parent, or legal guardian.

1 (6) "Advocate" means any person, including a family member not  
2 accused of a crime, who provides support to a child victim or child  
3 witness during any legal proceeding.

4 (7) "Court proceedings" means any court proceeding conducted during  
5 the course of the prosecution of a crime committed against a child  
6 victim, including pretrial hearings, trial, sentencing, or appellate  
7 proceedings.

8 (8) "Identifying information" includes but is not limited to the  
9 child victim's name, address, location, photograph, and any other  
10 identifying information.

11 NEW SECTION. Sec. 3. A new section is added to chapter 7.69A RCW  
12 to read as follows:

13 A child victim of sexual assault has a right to not have  
14 identifying information disclosed to the public. Accordingly, unless  
15 the child victim or the child victim's legal guardian consents to  
16 dissemination of identifying information:

17 (1) No law enforcement agency, prosecutor's office, or defense  
18 attorney may disclose any identifying information of a child victim of  
19 sexual assault to anyone other than another law enforcement agency,  
20 prosecutor, judge, defense attorney, or governmental agency that  
21 provides services to the child victim or to a family member of the  
22 child victim.

23 (2) The court shall prohibit dissemination to the public of any  
24 identifying information revealed during court proceedings involving the  
25 sexual assault of a child victim. The court shall condition a person's  
26 or press attendance at court proceedings on an agreement not to  
27 disseminate to the public or the press identifying information obtained  
28 at court proceedings. The court shall prohibit the press or any person  
29 who refuses to comply with the condition from attending any court

1 proceeding involving the child victim. If the press or another person  
2 violates the court-ordered condition, the court shall make all orders  
3 necessary to prevent further dissemination of identifying information  
4 obtained at the court proceeding. The court may not prohibit the press  
5 from disseminating identifying information obtained from a source other  
6 than the court proceedings. If the press violates a court-ordered  
7 condition in one sexual assault case involving a child victim, the  
8 court may prohibit the press from attending court proceedings of other  
9 sexual assault cases involving child victims.

10 (3) Portions of court records, transcripts, or recordings of court  
11 proceedings that contain identifying information are confidential and  
12 not open to public inspection. The court shall order that those records  
13 shall be sealed unless the identifying information is deleted.

14 (4) Any law enforcement officer or agency, prosecutor, defense  
15 attorney, or person other than a member of the press, who violates this  
16 section shall be subject to a fine of not less than one hundred dollars  
17 and not more than five hundred dollars. In addition, the child victim  
18 may pursue any other civil remedy available under existing law.

19 **Sec. 4.** RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read  
20 as follows:

21 In addition to the rights of victims and witnesses provided for in  
22 RCW 7.69.030, there shall be every reasonable effort made by law  
23 enforcement agencies, prosecutors, and judges to assure that child  
24 victims and witnesses are afforded the rights enumerated in this  
25 section. Except as provided in section 3 of this act regarding child  
26 victims of sexual assault, the enumeration of rights shall not be  
27 construed to create substantive rights and duties, and the application  
28 of an enumerated right in an individual case is subject to the

1 discretion of the law enforcement agency, prosecutor, or judge. Child  
2 victims and witnesses have the following rights:

3 (1) To have explained in language easily understood by the child,  
4 all legal proceedings and/or police investigations in which the child  
5 may be involved.

6 (2) To be provided, whenever possible, a secure waiting area during  
7 court proceedings and to have an advocate or support person remain with  
8 the child prior to and during any court proceedings.

9 (3) To not have the names, addresses, nor photographs of the living  
10 child victim or witness disclosed by any law enforcement agency,  
11 prosecutor's office, or state agency without the permission of the  
12 child victim, child witness, parents, or legal guardians to anyone  
13 except another law enforcement agency, prosecutor, defense counsel, or  
14 private or governmental agency that provides services to the child  
15 victim or witness.

16 (4) To allow an advocate to make recommendations to the prosecuting  
17 attorney about the ability of the child to cooperate with prosecution  
18 and the potential effect of the proceedings on the child.

19 (5) To allow an advocate to provide information to the court  
20 concerning the child's ability to understand the nature of the  
21 proceedings.

22 (6) To be provided information or appropriate referrals to social  
23 service agencies to assist the child and/or the child's family with the  
24 emotional impact of the crime, the subsequent investigation, and  
25 judicial proceedings in which the child is involved.

26 (7) To allow an advocate to be present in court while the child  
27 testifies in order to provide emotional support to the child.

28 (8) To provide information to the court as to the need for the  
29 presence of other supportive persons at the court proceedings while the

1 child testifies in order to promote the child's feelings of security  
2 and safety.

3 (9) To allow law enforcement agencies the opportunity to enlist the  
4 assistance of other professional personnel such as child protection  
5 services, victim advocates or prosecutorial staff trained in the  
6 interviewing of the child victim.

7 **Sec. 5.** RCW 13.40.140 and 1981 c 299 s 11 are each amended to read  
8 as follows:

9 (1) A juvenile shall be advised of his or her rights when appearing  
10 before the court.

11 (2) A juvenile and his or her parent, guardian, or custodian shall  
12 be advised by the court or its representative that the juvenile has a  
13 right to be represented by counsel at all critical stages of the  
14 proceedings. Unless waived, counsel shall be provided to a juvenile  
15 who is financially unable to obtain counsel without causing substantial  
16 hardship to himself or herself or the juvenile's family, in any  
17 proceeding where the juvenile may be subject to transfer for criminal  
18 prosecution, or in any proceeding where the juvenile may be in danger  
19 of confinement. The ability to pay part of the cost of counsel does  
20 not preclude assignment. In no case may a juvenile be deprived of  
21 counsel because of a parent, guardian, or custodian refusing to pay  
22 therefor. The juvenile shall be fully advised of his or her right to  
23 an attorney and of the relevant services an attorney can provide.

24 (3) The right to counsel includes the right to the appointment of  
25 experts necessary, and the experts shall be required pursuant to the  
26 procedures and requirements established by the supreme court.

27 (4) Upon application of a party, the clerk of the court shall  
28 issue, and the court on its own motion may issue, subpoenas requiring  
29 attendance and testimony of witnesses and production of records,

1 documents, or other tangible objects at any hearing, or such subpoenas  
2 may be issued by an attorney of record.

3 (5) All proceedings shall be transcribed verbatim by means which  
4 will provide an accurate record.

5 (6) The general public and press shall be permitted to attend any  
6 hearing unless the court, for good cause, orders a particular hearing  
7 to be closed. The presumption shall be that all such hearings will be  
8 open. As provided in section 3 of this act, a child victim of sexual  
9 assault is entitled to have information identifying the child victim  
10 remain confidential unless the child victim or the child victim's  
11 legal guardian consents to the disclosure. The court shall ensure that  
12 victim-identifying information is not disseminated as provided in  
13 section 3 (2) and (3) of this act. Dissemination of information  
14 identifying a child victim of sexual assault in violation of section 3  
15 of this act constitutes good cause for closing the hearing.

16 (7) In all adjudicatory proceedings before the court, all parties  
17 shall have the right to adequate notice, discovery as provided in  
18 criminal cases, opportunity to be heard, confrontation of witnesses  
19 except in such cases as this chapter expressly permits the use of  
20 hearsay testimony, findings based solely upon the evidence adduced at  
21 the hearing, and an unbiased fact-finder.

22 (8) A juvenile shall be accorded the same privilege against self-  
23 incrimination as an adult. An extrajudicial statement which would be  
24 constitutionally inadmissible in a criminal proceeding may not be  
25 received in evidence at an adjudicatory hearing over objection.  
26 Evidence illegally seized or obtained may not be received in evidence  
27 over objection at an adjudicatory hearing to prove the allegations  
28 against the juvenile if the evidence would be inadmissible in an adult  
29 criminal proceeding. An extrajudicial admission or confession made by  
30 the juvenile out of court is insufficient to support a finding that the

1 juvenile committed the acts alleged in the information unless evidence  
2 of a corpus delicti is first independently established in the same  
3 manner as required in an adult criminal proceeding.

4 (9) Waiver of any right which a juvenile has under this chapter  
5 must be an express waiver intelligently made by the juvenile after the  
6 juvenile has been fully informed of the right being waived.

7 (10) Whenever this chapter refers to waiver or objection by a  
8 juvenile, the word juvenile shall be construed to refer to a juvenile  
9 who is at least twelve years of age. If a juvenile is under twelve  
10 years of age, the juvenile's parent, guardian, or custodian shall give  
11 any waiver or offer any objection contemplated by this chapter.

12 **Sec. 6.** RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and  
13 1991 c 23 s 10 are each reenacted and amended to read as follows:

14 (1) The following are exempt from public inspection and copying:

15 (a) Personal information in any files maintained for students in  
16 public schools, patients or clients of public institutions or public  
17 health agencies, or welfare recipients.

18 (b) Personal information in files maintained for employees,  
19 appointees, or elected officials of any public agency to the extent  
20 that disclosure would violate their right to privacy.

21 (c) Information required of any taxpayer in connection with the  
22 assessment or collection of any tax if the disclosure of the  
23 information to other persons would (i) be prohibited to such persons by  
24 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
25 in unfair competitive disadvantage to the taxpayer.

26 (d) Specific intelligence information and specific investigative  
27 records compiled by investigative, law enforcement, and penology  
28 agencies, and state agencies vested with the responsibility to  
29 discipline members of any profession, the nondisclosure of which is

1 essential to effective law enforcement or for the protection of any  
2 person's right to privacy.

3 (e) Information revealing the identity of persons who file  
4 complaints with investigative, law enforcement, or penology agencies,  
5 other than the public disclosure commission, if disclosure would  
6 endanger any person's life, physical safety, or property. If at the  
7 time the complaint is filed the complainant indicates a desire for  
8 disclosure or nondisclosure, such desire shall govern. However, all  
9 complaints filed with the public disclosure commission about any  
10 elected official or candidate for public office must be made in writing  
11 and signed by the complainant under oath.

12 (f) Test questions, scoring keys, and other examination data used  
13 to administer a license, employment, or academic examination.

14 (g) Except as provided by chapter 8.26 RCW, the contents of real  
15 estate appraisals, made for or by any agency relative to the  
16 acquisition or sale of property, until the project or prospective sale  
17 is abandoned or until such time as all of the property has been  
18 acquired or the property to which the sale appraisal relates is sold,  
19 but in no event shall disclosure be denied for more than three years  
20 after the appraisal.

21 (h) Valuable formulae, designs, drawings, and research data  
22 obtained by any agency within five years of the request for disclosure  
23 when disclosure would produce private gain and public loss.

24 (i) Preliminary drafts, notes, recommendations, and intra-agency  
25 memorandums in which opinions are expressed or policies formulated or  
26 recommended except that a specific record shall not be exempt when  
27 publicly cited by an agency in connection with any agency action.

28 (j) Records which are relevant to a controversy to which an agency  
29 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the  
2 superior courts.

3 (k) Records, maps, or other information identifying the location of  
4 archaeological sites in order to avoid the looting or depredation of  
5 such sites.

6 (l) Any library record, the primary purpose of which is to maintain  
7 control of library materials, or to gain access to information, which  
8 discloses or could be used to disclose the identity of a library user.

9 (m) Financial information supplied by or on behalf of a person,  
10 firm, or corporation for the purpose of qualifying to submit a bid or  
11 proposal for (a) a ferry system construction or repair contract as  
12 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
13 or improvement as required by RCW 47.28.070.

14 (n) Railroad company contracts filed with the utilities and  
15 transportation commission under RCW 81.34.070, except that the  
16 summaries of the contracts are open to public inspection and copying as  
17 otherwise provided by this chapter.

18 (o) Financial and commercial information and records supplied by  
19 private persons pertaining to export services provided pursuant to  
20 chapter 43.163 RCW and chapter 53.31 RCW.

21 (p) Financial disclosures filed by private vocational schools under  
22 chapter 28C.10 RCW.

23 (q) Records filed with the utilities and transportation commission  
24 or attorney general under RCW 80.04.095 that a court has determined are  
25 confidential under RCW 80.04.095.

26 (r) Financial and commercial information and records supplied by  
27 businesses during application for loans or program services provided by  
28 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

29 (s) Membership lists or lists of members or owners of interests of  
30 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities  
2 affiliated with such projects, regulated by the department of  
3 licensing, in the files or possession of the department.

4 (t) All applications for public employment, including the names of  
5 applicants, resumes, and other related materials submitted with respect  
6 to an applicant.

7 (u) The residential addresses and residential telephone numbers of  
8 employees or volunteers of a public agency which are held by the agency  
9 in personnel records, employment or volunteer rosters, or mailing lists  
10 of employees or volunteers.

11 (v) The residential addresses and residential telephone numbers of  
12 the customers of a public utility contained in the records or lists  
13 held by the public utility of which they are customers.

14 (w) Information obtained by the board of pharmacy as provided in  
15 RCW 69.45.090.

16 (x) Information obtained by the board of pharmacy or the department  
17 of health and its representatives as provided in RCW 69.41.044,  
18 69.41.280, and 18.64.420.

19 (y) Financial information, business plans, examination reports, and  
20 any information produced or obtained in evaluating or examining a  
21 business and industrial development corporation organized or seeking  
22 certification under chapter 31.24 RCW.

23 (z) Financial and commercial information supplied to the state  
24 investment board by any person when the information relates to the  
25 investment of public trust or retirement funds and when disclosure  
26 would result in loss to such funds or in private loss to the providers  
27 of this information.

28 (aa) Financial and valuable trade information under RCW 51.36.120.

1 (bb) Client records maintained by an agency that is a domestic  
2 violence program as defined in RCW 70.123.020 or a rape crisis center  
3 as defined in RCW 70.125.030.

4 (cc) Information revealing the identity of child victims of sexual  
5 assault who are under age eighteen. Identifying information includes  
6 the child victims' names, addresses, locations, and photographs.  
7 Identifying information is confidential even if disclosure does not  
8 endanger the child victim's life, physical safety, or property as  
9 provided in (e) of this subsection.

10 (2) Except for information described in subsection (1)(c)(i) of  
11 this section and confidential income data exempted from public  
12 inspection pursuant to RCW 84.40.020, the exemptions of this section  
13 are inapplicable to the extent that information, the disclosure of  
14 which would violate personal privacy or vital governmental interests,  
15 can be deleted from the specific records sought. No exemption may be  
16 construed to permit the nondisclosure of statistical information not  
17 descriptive of any readily identifiable person or persons.

18 (3) Inspection or copying of any specific records exempt under the  
19 provisions of this section may be permitted if the superior court in  
20 the county in which the record is maintained finds, after a hearing  
21 with notice thereof to every person in interest and the agency, that  
22 the exemption of such records is clearly unnecessary to protect any  
23 individual's right of privacy or any vital governmental function.

24 (4) Agency responses refusing, in whole or in part, inspection of  
25 any public record shall include a statement of the specific exemption  
26 authorizing the withholding of the record (or part) and a brief  
27 explanation of how the exemption applies to the record withheld.

28 **Sec. 7.** RCW 13.50.050 and 1990 c 3 s 125 are each amended to read  
29 as follows:

1 (1) This section governs records relating to the commission of  
2 juvenile offenses, including records relating to diversions.

3 (2) The official juvenile court file of any alleged or proven  
4 juvenile offender shall be open to public inspection, unless sealed  
5 pursuant to subsection (11) of this section.

6 (3) All records other than the official juvenile court file are  
7 confidential and may be released only as provided in this section, RCW  
8 13.50.010, 13.40.215, and 4.24.550.

9 (4) Except as otherwise provided in this section and RCW 13.50.010,  
10 records retained or produced by any juvenile justice or care agency may  
11 be released to other participants in the juvenile justice or care  
12 system only when an investigation or case involving the juvenile in  
13 question is being pursued by the other participant or when that other  
14 participant is assigned the responsibility for supervising the  
15 juvenile.

16 (5) Except as provided in RCW 4.24.550, information not in an  
17 official juvenile court file concerning a juvenile or a juvenile's  
18 family may be released to the public only when that information could  
19 not reasonably be expected to identify the juvenile or the juvenile's  
20 family.

21 (6) Notwithstanding any other provision of this chapter, the  
22 release, to the juvenile or his or her attorney, of law enforcement and  
23 prosecuting attorneys' records pertaining to investigation, diversion,  
24 and prosecution of juvenile offenses shall be governed by the rules of  
25 discovery and other rules of law applicable in adult criminal  
26 investigations and prosecutions.

27 (7) The juvenile court and the prosecutor may set up and maintain  
28 a central record-keeping system which may receive information on all  
29 alleged juvenile offenders against whom a complaint has been filed  
30 pursuant to RCW 13.40.070 whether or not their cases are currently

1 pending before the court. The central record-keeping system may be  
2 computerized. If a complaint has been referred to a diversion unit,  
3 the diversion unit shall promptly report to the juvenile court or the  
4 prosecuting attorney when the juvenile has agreed to diversion. An  
5 offense shall not be reported as criminal history in any central  
6 record-keeping system without notification by the diversion unit of the  
7 date on which the offender agreed to diversion.

8 (8) Upon request of the victim of a crime or the victim's immediate  
9 family, the identity of an alleged or proven juvenile offender alleged  
10 or found to have committed a crime against the victim and the identity  
11 of the alleged or proven juvenile offender's parent, guardian, or  
12 custodian and the circumstance of the alleged or proven crime shall be  
13 released to the victim of the crime or the victim's immediate family.

14 (9) Subject to the rules of discovery applicable in adult criminal  
15 prosecutions, the juvenile offense records of an adult criminal  
16 defendant or witness in an adult criminal proceeding shall be released  
17 upon request to prosecution and defense counsel after a charge has  
18 actually been filed. The juvenile offense records of any adult  
19 convicted of a crime and placed under the supervision of the adult  
20 corrections system shall be released upon request to the adult  
21 corrections system.

22 (10) In any case in which an information has been filed pursuant to  
23 RCW 13.40.100 or a complaint has been filed with the prosecutor and  
24 referred for diversion pursuant to RCW 13.40.070, the person the  
25 subject of the information or complaint may file a motion with the  
26 court to have the court vacate its order and findings, if any, and,  
27 subject to subsection (24) of this section, order the sealing of the  
28 official juvenile court file, the social file, and records of the court  
29 and of any other agency in the case.

1 (11) The court shall grant the motion to seal records made pursuant  
2 to subsection (10) of this section if it finds that:

3 (a) Two years have elapsed from the later of: (i) Final discharge  
4 of the person from the supervision of any agency charged with  
5 supervising juvenile offenders; or (ii) from the entry of a court order  
6 relating to the commission of a juvenile offense or a criminal offense;

7 (b) No proceeding is pending against the moving party seeking the  
8 conviction of a juvenile offense or a criminal offense; and

9 (c) No proceeding is pending seeking the formation of a diversion  
10 agreement with that person.

11 (12) The person making a motion pursuant to subsection (10) of this  
12 section shall give reasonable notice of the motion to the prosecution  
13 and to any person or agency whose files are sought to be sealed.

14 (13) If the court grants the motion to seal made pursuant to  
15 subsection (10) of this section, it shall, subject to subsection (24)  
16 of this section, order sealed the official juvenile court file, the  
17 social file, and other records relating to the case as are named in the  
18 order. Thereafter, the proceedings in the case shall be treated as if  
19 they never occurred, and the subject of the records may reply  
20 accordingly to any inquiry about the events, records of which are  
21 sealed. Any agency shall reply to any inquiry concerning confidential  
22 or sealed records that records are confidential, and no information can  
23 be given about the existence or nonexistence of records concerning an  
24 individual.

25 (14) Inspection of the files and records included in the order to  
26 seal may thereafter be permitted only by order of the court upon motion  
27 made by the person who is the subject of the information or complaint,  
28 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of  
29 this section.

1 (15) Any adjudication of a juvenile offense or a crime subsequent  
2 to sealing has the effect of nullifying the sealing order. Any  
3 conviction for any adult felony subsequent to the sealing has the  
4 effect of nullifying the sealing order for the purposes of chapter  
5 9.94A RCW for any juvenile adjudication of guilt for a class A offense  
6 or a sex offense as defined in RCW 9.94A.030.

7 (16) In any case in which an information has been filed pursuant to  
8 RCW 13.40.100 or a complaint has been filed with the prosecutor and  
9 referred for diversion pursuant to RCW 13.40.070, the person who is the  
10 subject of the information or complaint may file a motion with the  
11 court to have the court vacate its order and findings, if any, and,  
12 subject to subsection (24) of this section, order the destruction of  
13 the official juvenile court file, the social file, and records of the  
14 court and of any other agency in the case.

15 (17) The court may grant the motion to destroy records made  
16 pursuant to subsection (16) of this section if it finds:

17 (a) The person making the motion is at least twenty-three years of  
18 age;

19 (b) The person has not subsequently been convicted of a felony;

20 (c) No proceeding is pending against that person seeking the  
21 conviction of a criminal offense; and

22 (d) The person has never been found guilty of a serious offense.

23 (18) A person eighteen years of age or older whose criminal history  
24 consists of only one referral for diversion may request that the court  
25 order the records in that case destroyed. The request shall be  
26 granted, subject to subsection (24) of this section, if the court finds  
27 that two years have elapsed since completion of the diversion  
28 agreement.

29 (19) If the court grants the motion to destroy records made  
30 pursuant to subsection (16) or (18) of this section, it shall, subject

1 to subsection (24) of this section, order the official juvenile court  
2 file, the social file, and any other records named in the order to be  
3 destroyed.

4 (20) The person making the motion pursuant to subsection (16) or  
5 (18) of this section shall give reasonable notice of the motion to the  
6 prosecuting attorney and to any agency whose records are sought to be  
7 destroyed.

8 (21) Any juvenile to whom the provisions of this section may apply  
9 shall be given written notice of his or her rights under this section  
10 at the time of his or her disposition hearing or during the diversion  
11 process.

12 (22) Nothing in this section may be construed to prevent a crime  
13 victim or a member of the victim's family from divulging the identity  
14 of the alleged or proven juvenile offender or his or her family when  
15 necessary in a civil proceeding.

16 (23) Any juvenile justice or care agency may, subject to the  
17 limitations in subsection (24) of this section and subparagraphs (a)  
18 and (b) of this subsection, develop procedures for the routine  
19 destruction of records relating to juvenile offenses and diversions.

20 (a) Records may be routinely destroyed only when the person the  
21 subject of the information or complaint has attained twenty-three years  
22 of age or older, or is eighteen years of age or older and his or her  
23 criminal history consists entirely of one diversion agreement and two  
24 years have passed since completion of the agreement.

25 (b) The court may not routinely destroy the official juvenile court  
26 file or recordings or transcripts of any proceedings.

27 (24) No identifying information held by the Washington state patrol  
28 in accordance with chapter 43.43 RCW is subject to destruction or  
29 sealing under this section. For the purposes of this subsection,  
30 identifying information includes photographs, fingerprints, palmprints,

1 soleprints, toeprints and any other data that identifies a person by  
2 physical characteristics, name, birthdate or address, but does not  
3 include information regarding criminal activity, arrest, charging,  
4 diversion, conviction or other information about a person's treatment  
5 by the criminal justice system or about the person's behavior.

6 (25) Information identifying child victims under age eighteen who  
7 are victims of sexual assaults by juvenile offenders is confidential  
8 and not subject to release to the press or public without the  
9 permission of the child victim or the child's legal guardian.  
10 Identifying information includes the child victim's name, addresses,  
11 location, and photographs. Information identifying a child victim of  
12 sexual assault may be released to law enforcement, prosecutors, judges,  
13 defense attorneys, or private or governmental agencies that provide  
14 services to the child victim of sexual assault.

15 NEW SECTION. Sec. 8. A new section is added to chapter 10.97 RCW  
16 to read as follows:

17 Information identifying child victims under age eighteen who are  
18 victims of sexual assaults is confidential and not subject to release  
19 to the press or public without the permission of the child victim or  
20 the child's legal guardian. Identifying information includes the child  
21 victim's name, addresses, location, and photographs. Information  
22 identifying the child victim of sexual assault may be released to law  
23 enforcement, prosecutors, judges, defense attorneys, or private or  
24 governmental agencies that provide services to the child victim of  
25 sexual assault. Prior to release of any criminal history record  
26 information, the releasing agency shall delete any information  
27 identifying a child victim of sexual assault from the information  
28 except as provided in this section.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 10.52 RCW  
2 to read as follows:

3        Child victims of sexual assault who are under the age of eighteen,  
4 have a right not to have disclosed to the public or press at any court  
5 proceeding involved in the prosecution of the sexual assault, the child  
6 victim's name, address, location, or photograph.    The court shall  
7 ensure that information identifying the child victim is not disclosed  
8 to the press or the public and that in the event of any improper  
9 disclosure the court shall make all necessary orders to restrict  
10 further dissemination of identifying information improperly obtained.  
11 Court proceedings include but are not limited to pretrial hearings,  
12 trial, sentencing, and appellate proceedings.    The court shall also  
13 order that any portion of any court records, transcripts, or recordings  
14 of court proceedings that contain information identifying the child  
15 victim shall be sealed and not open to public inspection unless those  
16 identifying portions are deleted from the documents or tapes.  
17 Identifying information includes but is not limited to the child  
18 victim's name, address, location, and photograph.

19        NEW SECTION.    **Sec. 10.**        If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.