
Judiciary Committee

HB 1238

Title: An act relating to access to juvenile case records for the Washington state center for court research and the Washington office of public defense.

Brief Description: Allowing the Washington center for court research and the office of public defense to access juvenile case records.

Sponsors: Representatives Appleton, Goodman and Rodne; by request of Board For Judicial Administration.

Brief Summary of Bill

- Permits the Administrative Office of the Courts to maintain an electronic research copy of juvenile court records for use by the Washington State Center for Court Research.
- Allows the Washington State Office of Public Defense to access court records needed to implement agency oversight and technical assistance.

Hearing Date: 1/28/09

Staff: Courtney Barnes (786-7194)

Background:

A court may permit the inspection or release of juvenile court records to an individual or agency engaged in legitimate educational, scientific, or public research.

Juvenile Court Records Retention

Subject to statutory requirements regarding retention of identifying information, all juvenile criminal history records maintained by any court or law enforcement agency must be automatically destroyed within 90 days of becoming eligible for destruction.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Juvenile records are eligible for destruction when:

1. the person who is the subject of the complaint is at least 18 years of age;
2. his or her criminal history consists entirely of one diversion agreement or counsel and release;
3. two years have elapsed since completion of the diversion agreement or counsel and release;
4. no proceeding seeking the conviction of a criminal offense is pending against the person; and
5. there is no restitution owing.

Truancy records associated with a juvenile who has no other case history are removed from the judicial information system when the juvenile is no longer subject to compulsory attendance laws.

Washington State Office of Public Defense

The Washington State Office of Public Defense (OPD) is required to implement the constitutional and statutory guarantees of counsel and to ensure effective and efficient delivery of state-funded indigent defenses services. By statute, the OPD provides oversight and technical assistance to ensure the effective and efficient delivery of services in the OPD's program areas.

Summary of Bill:

The Administrative Office of the Courts is permitted to maintain an electronic research copy of all juvenile records in the judicial information system. The research copy is not subject to any records retention schedule and must include records destroyed or removed from the judicial information system. Access to the research copy is only available to the Washington State Center for Court Research. The Washington State Center for Court Research is required to maintain the confidentiality of all confidential records and preserve the anonymity of all persons identified in the research copy.

The OPD may access court records needed to implement the OPD's oversight, technical assistance, and other agency functions required by statute. The OPD is required to maintain the confidentiality of all confidential information included in the records.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.