

FINAL BILL REPORT

ESHB 1954

C 236 L 09
Synopsis as Enacted

Brief Description: Sealing juvenile records under certain conditions.

Sponsors: House Committee on Human Services (originally sponsored by Representative Dickerson).

House Committee on Human Services
House Committee on General Government Appropriations
Senate Committee on Human Services & Corrections

Background:

Deferred Disposition.

A deferred disposition in juvenile court is akin to a deferred prosecution in adult court. The juvenile offender is found guilty at the time that the court agrees to allow a deferred disposition. A deferred disposition allows a juvenile to complete certain conditions set out by the court and probation, including any restitution payment, in exchange for having the charges dismissed.

A juvenile is eligible for a deferred disposition unless he or she:

- is charged with a sex or violent offense;
- has a criminal history which includes any felony; or
- has two or more prior adjudications.

If a court grants a deferred disposition the juvenile is required to:

- stipulate to the admissibility of the facts contained in the written police report;
- acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition (i.e., sentencing) if the juvenile fails to comply with terms of supervision; and
- waive the right to a speedy disposition and to call and confront witnesses.

After the court enters a finding or plea of guilty, the court defers entry of an order of disposition. The juvenile offender is placed on community supervision, and the court may impose any conditions that it deems appropriate. Payment of restitution must be a condition of supervision. The juvenile normally has one year to complete the conditions but may have

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up to two years. If the juvenile fails to complete the conditions, as determined by a hearing before the court, the court must enter an order of disposition.

If the court finds that the juvenile offender has successfully complied with the conditions of his or her supervision, including payment of restitution, the conviction is vacated and the court dismisses the case with prejudice. If the juvenile has a conviction for animal cruelty in the first degree, his or her conviction is vacated.

Sealing Records.

The official juvenile court file of any alleged or proven juvenile offender is open to public inspection unless the file is sealed by the court. Before 1977, juvenile records were not public. Between 1977 and 1997, a juvenile could seal his or her records for any offense two years after being released from confinement or sentenced if the juvenile had no further offenses. Beginning in 1998, various time requirements have been placed on the ability to seal certain records and the sealing of records has been precluded for certain offenses, such as sex offenses and violent offenses. The table below illustrates the offenses for which a juvenile may request an order from the court sealing his or her records:

<i>Type of Offense</i>	<i>Length of Time Since Confinement or Entry of Disposition and Having Committed No Offenses</i>
Sex Offenses	Records are never sealed.
Class A Felony	Records are never sealed.
Class B Felony	5 Years
Class C Felony	2 Years
Gross Misdemeanor	2 Years
Misdemeanor	2 Years

A subsequent finding of guilt nullifies a court order sealing a juvenile's record. A subsequent charge of a felony as an adult nullifies the court's sealing order.

Summary:

A juvenile's records of a deferred disposition must be sealed within 30 days after the juvenile's 18th birthday if:

- the conditions of the deferred disposition have been completed;
- the deferred disposition has been vacated and the case dismissed with prejudice; and
- the juvenile does not have any pending charges.

If at the time this act takes effect, the juvenile is already 18, the juvenile may request that the court seal his or her records, and that request must be granted. Records that are sealed under this provision have the same legal status as records sealed under other laws governing records related to juvenile offenses.

Votes on Final Passage:

House 96 0
Senate 42 0

Effective: July 26, 2009