**1280-S2 AMS HSC S5672.1 - NOT FOR FLOOR USE**

**2SHB 1280** - S COMM AMD

By Committee on Human Services & Corrections

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each amended to read as follows:

(1) In order to receive funds under RCW 13.40.500 through 13.40.540, local governments may, through their respective agencies that administer funding for consolidated juvenile services, submit proposals that establish community juvenile accountability programs within their communities. These proposals must be submitted to the juvenile rehabilitation administration of the department of social and health services for certification.

(2) The proposals must:

(a) Demonstrate that the proposals were developed with the input of the local law and justice councils established under RCW 72.09.300;

(b) Describe how local community groups or members are involved in the implementation of the programs funded under RCW 13.40.500 through 13.40.540;

(c) Include a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in their community. Data approaches are not required to be replicated if the networks have information that addresses risks in the community for juvenile offenders.

(3) A local government receiving a grant under this section shall agree that any funds received must be used efficiently to encourage the use of community-based programs that reduce the reliance on secure confinement as the sole means of holding juvenile offenders accountable for their crimes. The local government shall also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed under RCW 13.40.520.

(4) The juvenile rehabilitation administration, in consultation with the Washington association of juvenile court administrators and the state law and justice advisory council, shall establish guidelines for programs that may be funded under RCW 13.40.500 through 13.40.540. The guidelines must:

(a) Target referred and diverted ((~~and~~)) youth, as well as adjudicated juvenile offenders;

(b) Include assessment methods to determine services, programs, and intervention strategies most likely to change behaviors and norms of juvenile offenders;

(c) Provide maximum structured supervision in the community. Programs should use natural surveillance and community guardians such as employers, relatives, teachers, clergy, and community mentors to the greatest extent possible;

(d) Promote good work ethic values and educational skills and competencies necessary for the juvenile offender to function effectively and positively in the community;

(e) Maximize the efficient delivery of treatment services aimed at reducing risk factors associated with the commission of juvenile offenses;

(f) Maximize the reintegration of the juvenile offender into the community upon release from confinement;

(g) Maximize the juvenile offender's opportunities to make full restitution to the victims and amends to the community;

(h) Support and encourage increased court discretion in imposing community-based intervention strategies;

(i) Be compatible with research that shows which prevention and early intervention strategies work with juvenile offenders;

(j) Be outcome-based in that it describes what outcomes will be achieved or what outcomes have already been achieved;

(k) Include an evaluation component; and

(l) Recognize the diversity of local needs.

(5) The state law and justice advisory council may provide support and technical assistance to local governments for training and education regarding community-based prevention and intervention strategies.

(6) For purposes of this section and section 3 of this act "referred youth" means a youth who:

(a) Was contacted by a law enforcement officer and the law enforcement officer has probable cause to believe that he or she has committed a crime;

(b) Was referred to a program that allows youth to enter before being diverted or charged with a juvenile offense; and

(c) If not for the program that he or she was referred to, would have been diverted or charged with a juvenile offense.

**Sec.**  RCW 13.40.510 and 2017 3rd sp.s. c 6 s 621 are each amended to read as follows:

(1) In order to receive funds under RCW 13.40.500 through 13.40.540, local governments may, through their respective agencies that administer funding for consolidated juvenile services, submit proposals that establish community juvenile accountability programs within their communities. These proposals must be submitted to the department for certification.

(2) The proposals must:

(a) Demonstrate that the proposals were developed with the input of the local law and justice councils established under RCW 72.09.300;

(b) Describe how local community groups or members are involved in the implementation of the programs funded under RCW 13.40.500 through 13.40.540;

(c) Include a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in their community. Data approaches are not required to be replicated if the networks have information that addresses risks in the community for juvenile offenders.

(3) A local government receiving a grant under this section shall agree that any funds received must be used efficiently to encourage the use of community-based programs that reduce the reliance on secure confinement as the sole means of holding juvenile offenders accountable for their crimes. The local government shall also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed under RCW 13.40.520.

(4) The department, in consultation with the Washington association of juvenile court administrators and the state law and justice advisory council, shall establish guidelines for programs that may be funded under RCW 13.40.500 through 13.40.540. The guidelines must:

(a) Target referred and diverted ((~~and~~)) youth, as well as adjudicated juvenile offenders;

(b) Include assessment methods to determine services, programs, and intervention strategies most likely to change behaviors and norms of juvenile offenders;

(c) Provide maximum structured supervision in the community. Programs should use natural surveillance and community guardians such as employers, relatives, teachers, clergy, and community mentors to the greatest extent possible;

(d) Promote good work ethic values and educational skills and competencies necessary for the juvenile offender to function effectively and positively in the community;

(e) Maximize the efficient delivery of treatment services aimed at reducing risk factors associated with the commission of juvenile offenses;

(f) Maximize the reintegration of the juvenile offender into the community upon release from confinement;

(g) Maximize the juvenile offender's opportunities to make full restitution to the victims and amends to the community;

(h) Support and encourage increased court discretion in imposing community-based intervention strategies;

(i) Be compatible with research that shows which prevention and early intervention strategies work with juvenile offenders;

(j) Be outcome-based in that it describes what outcomes will be achieved or what outcomes have already been achieved;

(k) Include an evaluation component; and

(l) Recognize the diversity of local needs.

(5) The state law and justice advisory council may provide support and technical assistance to local governments for training and education regarding community-based prevention and intervention strategies.

(6) For purposes of this section and section 3 of this act "referred youth" means a youth who:

(a) Was contacted by a law enforcement officer and the law enforcement officer has probable cause to believe that he or she has committed a crime;

(b) Was referred to a program that allows youth to enter before being diverted or charged with a juvenile offense; and

(c) If not for the program that he or she was referred to, would have been diverted or charged with a juvenile offense.

NEW SECTION. **Sec.**  A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall provide an annual report on December 1st to the appropriate committees of the legislature that includes a county by county description of the youth served by the programs funded under RCW 13.40.500 through 13.40.540 including the number of youth in each of those counties who were eligible for programs based on being a referred youth as defined by RCW 13.40.510.

(2) This section expires on July 1, 2020.

NEW SECTION. **Sec.**  As of the effective date of this section, the juvenile rehabilitation division of the rehabilitation administration of the department of social and health services until July 1, 2019, and the department of children, youth, and families effective July 1, 2019, must implement a stop loss policy when allocating funding under RCW 13.40.510. Under the stop loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The block grant oversight committee must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth ten years of age and over but under eighteen years of age. The department's report under section 3 of this act must include information about how funding is used for referred youth and the impact of that use on overall use of funding.

**Sec.**  RCW 13.50.260 and 2015 c 265 s 3 are each amended to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile record pursuant to the requirements of this subsection ((~~unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing~~)). Although the juvenile record shall be sealed, the social file may be available to any juvenile justice or care agency when an investigation or case involving the juvenile subject of the records is being prosecuted by the juvenile justice or care agency or when the juvenile justice or care agency is assigned the responsibility of supervising the juvenile. ((~~The contested hearing shall be set no sooner than eighteen days after notice of the hearing and the opportunity to object has been sent to the juvenile, the victim, and juvenile's attorney.~~)) The juvenile respondent's presence is not required at a sealing hearing pursuant to this subsection.

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

(i) The respondent's eighteenth birthday;

(ii) Anticipated completion of a respondent's probation, if ordered;

(iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

(c) ((~~A court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if:~~

~~(i)~~)) The court shall not schedule an administrative sealing hearing at the disposition hearing and no administrative sealing hearing shall take place if one of the offenses for which the court has entered a disposition is ((~~not~~)) at the time of commission of the offense:

((~~(A)~~)) (i) A most serious offense, as defined in RCW 9.94A.030;

((~~(B)~~)) (ii) A sex offense under chapter 9A.44 RCW; or

((~~(C)~~)) (iii) A drug offense, as defined in RCW 9.94A.030((~~; and~~)).

((~~(ii)~~)) (d) At the time of the scheduled administrative sealing hearing, the court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if the court finds the respondent ((~~has completed the terms and conditions of disposition, including affirmative conditions and~~)) is no longer on supervision in the case to be sealed and has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW. ((~~(d) Following a contested sealing hearing on the record after an objection is made pursuant to (a) of this subsection, the court shall enter a written order sealing the juvenile court record unless the court determines that sealing is not appropriate.~~)) In determining whether or not the respondent is on supervision or owes restitution, the court shall take judicial notice of the court records, including the records of the county clerk's office, and, if necessary, sworn testimony from a representative of the juvenile department. If sealing is denied solely on the basis of unpaid restitution owing to individual victims excluding insurance providers authorized under Title 48 RCW, the court shall specify in a written order of denial the amount of restitution which remains unpaid to each individual victim.

(e) At the time of the initial administrative sealing hearing scheduled at disposition, if the court finds that the respondent remains on supervision but has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider, then the court shall continue the administrative sealing hearing to a date within thirty days following the anticipated end date of the respondent's current supervision. At the next administrative sealing hearing, the court shall again determine the respondent's eligibility to seal as set forth in (d) of this subsection, and, if necessary, continue the hearing again as provided in this subsection. Other than the administrative sealing hearing scheduled at disposition, and those continued under the terms of this subsection and proceedings under (f) of this subsection, no further hearings on administrative sealing shall be scheduled, held, or continued.

(f) If, at the administrative sealing hearing, the court denies sealing solely on the basis of unpaid restitution, the clerk of the court shall notify the respondent of the denial of sealing at the respondent's last known address and specify the amount of restitution which according to the court's finding remains unpaid to each individual victim. At any time following such hearing, the court shall thereafter seal the respondent's juvenile court record if the respondent contacts the court, provides proof of payment, requests the case to be sealed, and the court finds that restitution is paid, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(2) Except for dismissal of a deferred disposition under RCW 13.40.127, the court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon the dismissal of charges with prejudice, subject to the state's right, if any, to appeal the dismissal.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court ((~~vacate its order and findings, if any, and, subject to RCW 13.50.050(13),~~)) order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties ((~~that was actually committed~~)) with forcible compulsion; and

(vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW 13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(c) Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(d) The Washington state patrol shall ensure that the Washington state identification system provides criminal justice agencies access to sealed juvenile records information.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

(10) County clerks may interact or correspond with the respondent, his or her parents, and any holders of potential assets or wages of the respondent for the purposes of collecting an outstanding legal financial obligation after juvenile court records have been sealed pursuant to this section.

(11) Persons and agencies that obtain sealed juvenile records information pursuant to this section may communicate about this information with the respondent, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records in this section.

NEW SECTION. **Sec.**  Section 1 of this act expires July 1, 2019.

NEW SECTION. **Sec.**  Section 2 of this act takes effect July 1, 2019."

**2SHB 1280** - S COMM AMD

By Committee on Human Services & Corrections

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "juvenile justice; amending RCW 13.40.510, 13.40.510, and 13.50.260; adding a new section to chapter 13.40 RCW; creating a new section; providing an effective date; and providing expiration dates."

EFFECT: (1) Requires Juvenile Rehabilitation, until July 1, 2019, and the Department of Children, Youth, and Families, effective July 1, 2019, to implement a stop loss policy when allocating Community Juvenile Accountability Program funding so that funding formula changes do not result in a funding loss for any juvenile court of more than two percent from one year to the next. Requires the block grant oversight committee to establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth aged 10-17. Requires DSHS to report how funding is used for referred youth and the impact of that use on overall funding.

(2) Requires superior courts to hold regular sealing hearings for juvenile court records related to eligible offenses in which the juvenile court record must be sealed if the court finds the juvenile is no longer on supervision in the case to be sealed and had paid the full restitution amount owing to the individual victim.

(3) Eliminates contested sealing hearings.

(4) Allows the court to take judicial notice of court records and continue sealing hearings if the juvenile remains on supervision but has paid restitution.

(5) Requires the court to seal juvenile court records if denial of sealing is based solely on nonpayment of restitution and the juvenile provides proof of payment of restitution at a later date.

(6) Exempts dismissals of deferred dispositions from immediate sealing and removes requirement that records be vacated before sealing.