

SENATE BILL REPORT

SB 5691

As Passed Senate, March 10, 2001

Title: An act relating to limitations on sealing of juvenile offender records.

Brief Description: Adding a limitation on sealing of juvenile offender records.

Sponsors: Senators Costa, Long, Hargrove and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 2/15/01, 2/21/01 [DP].

Passed Senate: 3/10/01, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Robert Antanaitis (786-7452)

Background: Before the law was changed in 1997, a juvenile offender could petition the juvenile court to permanently seal juvenile court files two years after the juvenile was discharged from state agency supervision. If the juvenile had committed no other offenses, the juvenile court was required to grant the motion to seal.

In 1997, the Legislature amended RCW 13.50.050 to increase the amount of time a juvenile offender must spend in the community without committing any additional offenses before his or her record could be sealed (ten consecutive years for a class B felony conviction, five consecutive years for a class C felony conviction). Also, the Legislature eliminated the ability to seal a juvenile record when the offense was a sex offense or a class A felony. These changes took effect on July 1, 1997.

In October 1999, the Washington Supreme Court decided *State v. T.K.* In this decision, the court ruled that any motion by a juvenile to seal a record on a conviction that occurred before July 1, 1997, must be decided based upon the law in effect before July 1, 1997, even if the motion was filed after July 1, 1997.

Summary of Bill: The Legislature intends to change the results of the holding in *State v. T.K.* Any motion to seal a juvenile record that is filed after July 1, 1997, must be decided based upon the criteria contained in RCW 13.50.050 in effect after July 1, 1997, regardless of when the conviction occurred.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill clarifies what laws apply to the sealing of a juvenile record when the offense was a sex offense or a felony.

Testimony Against: None.

Testified: Martha Harden, Superior Court Judges Association and Washington Association of Juvenile Court Administrators (concerns); Tom McBride, Washington Association of Prosecuting Attorneys (pro).