

SSB 6550 - S AMD 501

By Senator Darneille

ADOPTED 02/12/2018

1 On page 21, after line 34, insert the following:

2 "Sec. 5. RCW 13.50.270 and 2014 c 175 s 5 are each amended to
3 read as follows:

4 (1)(a) Subject to RCW 13.50.050(13), all records maintained by
5 any court or law enforcement agency, including the juvenile court,
6 local law enforcement, the Washington state patrol, and the
7 prosecutor's office, shall be automatically destroyed within ninety
8 days of becoming eligible for destruction. Juvenile records are
9 eligible for destruction when:

10 (i) The person who is the subject of the information or complaint
11 is at least eighteen years of age;

12 (ii) ~~The ((person's criminal history consists entirely of one~~
13 ~~diversion agreement or counsel and release entered on or after June~~
14 ~~12, 2008))~~ records in question consist of successfully completed
15 diversion agreements and counsel and release agreements, or both,
16 which were completed on or after the effective date of this section;
17 and

18 ~~(iii) ((Two years have elapsed since completion of the agreement~~
19 ~~or counsel and release;~~

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

22 ~~(v))~~ There is no restitution owing in the case.

23 (b) Notwithstanding this subsection (1), records of successfully
24 completed diversion agreements and counsel and release agreements
25 remain subject to destruction under the terms set forth in
26 subsections (2) through (4) of this section, as well as sealing under
27 RCW 13.50.260.

28 (c) No less than quarterly, the administrative office of the
29 courts shall provide a report to the juvenile courts of those
30 individuals whose records may be eligible for destruction. The
31 juvenile court shall verify eligibility and notify the Washington
32 state patrol and the appropriate local law enforcement agency and

1 prosecutor's office of the records to be destroyed. The requirement
2 to destroy records under this subsection is not dependent on a court
3 hearing or the issuance of a court order to destroy records.

4 ~~((e))~~ (d) The state and local governments and their officers
5 and employees are not liable for civil damages for the failure to
6 destroy records pursuant to this section.

7 (2) All records maintained by any court or law enforcement
8 agency, including the juvenile court, local law enforcement, the
9 Washington state patrol, and the prosecutor's office, shall be
10 automatically destroyed within thirty days of being notified by the
11 governor's office that the subject of those records received a full
12 and unconditional pardon by the governor.

13 (3)(a) A person may request that the court order the records in
14 his or her case destroyed as follows:

15 (i) A person eighteen years of age or older whose criminal
16 history consists entirely of one diversion agreement or counsel and
17 release entered prior to June 12, 2008. The request shall be granted
18 if the court finds that two years have elapsed since completion of
19 the agreement or counsel and release.

20 (ii) A person twenty-three years of age or older whose criminal
21 history consists of only referrals for diversion. The request shall
22 be granted if the court finds that all diversion agreements have been
23 successfully completed and no proceeding is pending against the
24 person seeking the conviction of a criminal offense.

25 (b) If the court grants the motion to destroy records made
26 pursuant to this subsection, it shall, subject to RCW 13.50.050(13),
27 order the official juvenile court record, the social file, and any
28 other records named in the order to be destroyed.

29 (c) The person making the motion pursuant to this subsection must
30 give reasonable notice of the motion to the prosecuting attorney and
31 to any agency whose records are sought to be destroyed.

32 (4) Any juvenile justice or care agency may, subject to the
33 limitations in RCW 13.50.050(13) and this section, develop procedures
34 for the routine destruction of records relating to juvenile offenses
35 and diversions.

36 (a) Records may be routinely destroyed only when the person the
37 subject of the information or complaint has attained twenty-three
38 years of age or older or pursuant to subsection (1) of this section.

1 (b) The court may not routinely destroy the official juvenile
2 court record or recordings or transcripts of any proceedings."

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

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5 On page 1, line 2 of the title, after "13.40.020," strike "and"
6 and after "13.40.080" insert ", and 13.50.270"

EFFECT: Provides that juvenile records are eligible for
destruction when the records consist of successfully completed
diversion agreements and counsel and release agreements completed on
or after the effective date of the act and there is no restitution
owing in the case.

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