

---

**SUBSTITUTE SENATE BILL 6117**

---

**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Darneille and Kuderer)

READ FIRST TIME 01/25/18.

1 AN ACT Relating to revising conditions under which juvenile court  
2 records may be sealed; and amending RCW 13.50.260.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.50.260 and 2015 c 265 s 3 are each amended to  
5 read as follows:

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

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

5 (i) The respondent's eighteenth birthday;

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

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

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

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

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

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

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

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

1 providers authorized under Title 48 RCW, the court shall specify in a  
2 written order of denial the amount of restitution which remains  
3 unpaid to each individual victim.

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

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

30 (2) Except for dismissal of a deferred disposition under RCW  
31 13.40.127, the court shall enter a written order immediately sealing  
32 the official juvenile court record upon the acquittal after a fact  
33 finding or upon the dismissal of charges with prejudice, subject to  
34 the state's right, if any, to appeal the dismissal.

35 (3) If a juvenile court record has not already been sealed  
36 pursuant to this section, in any case in which information has been  
37 filed pursuant to RCW 13.40.100 or a complaint has been filed with  
38 the prosecutor and referred for diversion pursuant to RCW 13.40.070,  
39 the person who is the subject of the information or complaint may  
40 file a motion with the court to have the court (~~vacate its order and~~

1 ~~findings, if any, and, subject to RCW 13.50.050(13),~~) order the  
2 sealing of the official juvenile court record, the social file, and  
3 records of the court and of any other agency in the case, with the  
4 exception of identifying information under RCW 13.50.050(13).

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

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

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

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

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

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

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

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

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

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

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

39 (iv) The person is no longer required to register as a sex  
40 offender under RCW 9A.44.130 or has been relieved of the duty to

1 register under RCW 9A.44.143 if the person was convicted of a sex  
2 offense; and

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

7 (c) Notwithstanding the requirements in (a) or (b) of this  
8 subsection, the court shall grant any motion to seal records of any  
9 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,  
10 2012, if restitution has been paid and the person is eighteen years  
11 of age or older at the time of the motion.

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

15 (6)(a) If the court enters a written order sealing the juvenile  
16 court record pursuant to this section, it shall, subject to RCW  
17 13.50.050(13), order sealed the official juvenile court record, the  
18 social file, and other records relating to the case as are named in  
19 the order. Thereafter, the proceedings in the case shall be treated  
20 as if they never occurred, and the subject of the records may reply  
21 accordingly to any inquiry about the events, records of which are  
22 sealed. Any agency shall reply to any inquiry concerning confidential  
23 or sealed records that records are confidential, and no information  
24 can be given about the existence or nonexistence of records  
25 concerning an individual.

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

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

39 (7) Inspection of the files and records included in the order to  
40 seal may thereafter be permitted only by order of the court upon

1 motion made by the person who is the subject of the information or  
2 complaint, except as otherwise provided in RCW 13.50.010(8) and  
3 13.50.050(13).

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

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

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

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

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

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

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

--- END ---