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## Civil Rights & Judiciary Committee

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### HB 1600

**Brief Description:** Providing access to sealed juvenile records for firearm purposes.

**Sponsors:** Representatives Goodman, Berry, Ramel and Pollet; by request of Washington State Patrol.

#### Brief Summary of Bill

- Allows for the sharing of sealed juvenile records information with any criminal justice agency, not just Washington criminal justice agencies, for the purpose of conducting a background check for processing firearms transfers and licenses and releasing of firearms from evidence.

**Hearing Date:** 2/1/23

**Staff:** Edie Adams (786-7180).

#### **Background:**

##### Background Checks for Firearms Transfers.

Certain categories of persons are disqualified from possessing firearms under state and federal law. This includes any person who has been convicted as an adult, or adjudicated as a juvenile, of a felony offense or certain domestic violence misdemeanor offenses. In addition, persons who have been involuntarily committed for mental health treatment or competency restoration, or who have certain other mental health related adjudications, are prohibited from possessing firearms under both state and federal law.

Under federal law, a dealer must, with few exceptions, conduct a background check on all firearms transfers to determine whether the purchaser is prohibited by state or federal law from possessing a firearm. This background check is conducted through the National Instant Criminal

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Background Check System (NICS). Under state law, a state background check in addition to the federal NICS background check is required for the purchase or transfer of a pistol or semiautomatic assault rifle. The state background check must be conducted by the local law enforcement agency, or the state once a state background check system is established.

#### Bipartisan Safer Communities Act.

The federal Bipartisan Safer Communities Act (BSCA), enacted in 2022, established new provisions relating to background checks for persons under the age of 21. The law specifically provides that federal firearms prohibitions apply if the person's juvenile record includes a prohibiting criminal conviction or involuntary commitment or mental health adjudication. The BSCA also requires an immediate criminal history background check for any firearm purchaser under the age of 21. The NICS must contact state and local authorities to determine whether the individual has juvenile criminal or mental health records that would disqualify the person from purchasing a firearm. Mental health history records may only be accessed from the time the person turned 16. This enhanced background check requirement for persons under the age of 21 expires automatically after 10 years if not renewed.

#### Sealing of Juvenile Records.

Records of juvenile offense adjudications are public unless sealed. A juvenile offense record may be sealed through a regularly held administrative hearing or by filing a motion to seal the official juvenile court record, the social file, and records of the court and any other agency in the case. Once a juvenile record is sealed, the proceedings in the case must be treated as if they never occurred. With limited exceptions, once a juvenile record is sealed, files and records included in the sealing order may be inspected only by order of the court upon a motion made by the subject of the information of complaint.

Any subsequent juvenile adjudication or filing of an adult felony charge unseals the case. The Administrative Office of the Courts must ensure prosecutors have access to information on the existence of sealed juvenile records. In addition, the Washington State Patrol (WSP) must provide Washington criminal justice agencies with access to sealed juvenile records information through the Washington State Identification System (WASIS). The WSP is not authorized to share this information through WASIS with criminal justice agencies outside of Washington.

#### **Summary of Bill:**

The provision requiring the WSP to ensure that Washington criminal justice agencies have access to sealed juvenile records information is expanded to apply to any criminal justice agency, and access is limited to the purpose of conducting a background check for processing and purchasing firearms, concealed pistol licenses, and alien firearms licenses, and releasing of firearms from evidence.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.