

HOUSE BILL ANALYSIS

SSB 5733

Title: An act relating to sealing juvenile records.

Brief Description: Revising law governing the sealing of juvenile records.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter).

Brief Summary of Bill

- Authorizes the sealing of juvenile records relating to class B felonies after five years if certain conditions are met.

HOUSE COMMITTEE ON JUDICIARY

Staff: Edie Adams (786-7180).

Background:

A person who has a juvenile offense record may petition the court to vacate the orders and findings and seal the official court file, social file, and records in the case held by the court or other agency.

Records relating to class A felonies and sex offenses may not be sealed. If the record relates to a class B felony, the court must grant the motion to seal if the person has spent 10 years in the community without committing a new offense, there are no current proceedings pending against the person, full restitution has been paid, and the person has never been convicted of a class A or sex offense. Records relating to class C felonies may be sealed after the person has spent five years in the community with no new offenses if the other conditions are met.

If the court grants a motion to seal, the proceedings in the case are treated as if they never occurred. A sealing order is nullified if the person is adjudicated of an offense after sealing or the person is charged with an adult felony after the sealing.

Summary of Bill:

A person may petition the court to seal a juvenile record relating to a class B felony, other than a sex offense, after only five years. The court may, in its discretion, order

the records sealed if the person complies with the current requirements for sealing, and in addition, the following conditions are met: the person has spent five years in the community without committing any new offenses; credible evidence exists that the record impedes a present career path; the person is at least 21 years old; and the person has led an exemplary life since committing the offense.

The Washington State Patrol must develop an automated system to retrieve information after a sealing order has been nullified.

Fiscal Note: Available (original bill).

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

Office of Program Research