

SENATE BILL REPORT

EHB 1577

As Reported By Senate Committee On:
Human Services & Corrections, April 1, 1999

Title: An act relating to juvenile records.

Brief Description: Changing when a court may seal juvenile records.

Sponsors: Representatives Bush, Sheahan, Constantine, Barlean, Quall, Talcott, Cairnes, Keiser, McIntire, Santos, Sullivan, Hatfield, DeBolt, Benson, Dunshee, Boldt, Haigh, Mielke, Veloria, Conway and Kenney.

Brief History:

Committee Activity: Human Services & Corrections: 3/23/99, 4/1/99 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Staff: Aldo Melchiori (786-7439)

Background: The official juvenile court file, including the social file, court records, and records of any other agency in the case, of any alleged or proven juvenile offender are open to public inspection unless sealed. Prior to 1997, a person could file a motion to have his or her juvenile records sealed if two years had passed since the entry of the court order or discharge from supervision and there were no pending criminal proceedings against the person.

Currently, a person may file a motion to have the court vacate its order and findings and order the records sealed. The court must grant the motion if it finds that no criminal proceeding is pending against the person, no diversion agreement is currently pending, the person has not been convicted of a class A or sex offense, and full restitution has been paid. Persons convicted of class B and class C offenses must meet additional requirements.

Summary of Bill: A person's juvenile records for misdemeanors and diversions may be sealed if the person has spent two consecutive years in the community since entry of disposition, confinement or conviction for any offense or crime and the person is over 18 years of age. A person's juvenile records for gross misdemeanors may be sealed if the person has spent three consecutive years in the community since entry of disposition, confinement or conviction for any offense or crime and the person is over 18 years of age.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The 1997 juvenile justice reform legislation did not address sealing juvenile records for diversions, misdemeanors or gross misdemeanors. This legislation corrects the oversight.

Testimony Against: None.

Testified: Representative Bush, prime sponsor (pro).