
Juvenile Justice & Family Law Committee

P2SHB 1992

Brief Description: Providing for communications to schools from juvenile justice and care agencies.

Sponsors: House Committee on Juvenile Justice (originally sponsored by Representatives Lantz and Woods).

Brief Summary of Proposed Second Substitute Bill

- Requires law enforcement, under certain circumstances, to release information to a school regarding an investigation, diversion, or prosecution of a juvenile attending the school if:
 - (a) the victim of the offense is another student or school employee and the offense was committed on school grounds or under school supervision; or
 - (b) the offense involved school property.

Hearing Date: 01/17/02

Staff: Trudes Hutcheson (786-7384).

Background:

There are certain circumstances when a juvenile justice or care agency must release information regarding a juvenile to another agency or third party. For example, the Department of Social and Health Services must notify certain schools when a juvenile who has committed certain sex or violent offenses will be released or paroled.

However, generally, records of juvenile justice or care agencies may only be released to other juvenile justice or care agencies when an investigation or case involving the juvenile is being pursued by the other agency or when the other agency is assigned the responsibility for supervising the juvenile.

The term "juvenile justice or care agency" includes police, diversion units, courts, prosecuting attorneys, defense attorneys, detention centers, the Department of Social and Health Services, and schools.

Law enforcement and prosecuting attorneys are authorized, but not required, to release certain information to schools under certain circumstances. Upon the arrest or decision to arrest a juvenile, law enforcement and the prosecuting attorney may release to the juvenile's school information pertaining to the investigation, diversion, and prosecution of the juvenile. Incident reports may also be released unless releasing them would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

Summary of Proposed Second Substitute Bill:

Law enforcement is required to release information to a school under certain circumstances. If there is an arrest or decision to arrest, and upon the request of the school, law enforcement must release information to the school pertaining to investigations, incident reports, diversions, or prosecution of a juvenile attending the school if: (a) the victim of the offense is a school employee or student and the offense took place on school property or under school supervision;
or (b) the offense involves school property.

If release of an incident report would jeopardize the investigation or prosecution, or endanger witnesses, law enforcement must release information to the extent possible to assist schools in protecting other students, staff, and school property.

The school may use information it receives only for the purposes of formulating or amending an educational plan for the student or for investigating misconduct for which disciplinary action may be imposed.

Proposed Second Substitute Bill Compared to Original Bill:

The substitute bill added the requirements that, before information can be released, there must be an arrest or decision to arrest and the school must request the information. The substitute also removed the requirement that the prosecuting attorney, in addition to law enforcement, release the information. Finally, the substitute clarified that the offense for which information can be released must be an offense committed on school property or under school supervision.

Appropriation: None.

Fiscal Note: Not Requested.

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