
HOUSE BILL 1212

State of Washington

57th Legislature

2001 Regular Session

By Representative Bush

Read first time 01/19/2001. Referred to Committee on Juvenile Justice.

1 AN ACT Relating to sealing juvenile records relating to
2 misdemeanors, diversions, and gross misdemeanors; and amending RCW
3 13.50.050.

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

5 **Sec. 1.** RCW 13.50.050 and 1999 c 198 s 4 are each amended to read
6 as follows:

7 (1) This section governs records relating to the commission of
8 juvenile offenses, including records relating to diversions.

9 (2) The official juvenile court file of any alleged or proven
10 juvenile offender shall be open to public inspection, unless
11 sealed pursuant to subsection (12) of this section.

12 (3) All records other than the official juvenile court file are
13 confidential and may be released only as provided in this section,
14 RCW 13.50.010, 13.40.215, and 4.24.550.

15 (4) Except as otherwise provided in this section and RCW
16 13.50.010, records retained or produced by any juvenile justice or
17 care agency may be released to other participants in the juvenile
18 justice or care system only when an investigation or case

1 involving the juvenile in question is being pursued by the other
2 participant or when that other participant is assigned the
3 responsibility for supervising the juvenile.

4 (5) Except as provided in RCW 4.24.550, information not in an
5 official juvenile court file concerning a juvenile or a juvenile's
6 family may be released to the public only when that information
7 could not reasonably be expected to identify the juvenile or the
8 juvenile's family.

9 (6) Notwithstanding any other provision of this chapter, the
10 release, to the juvenile or his or her attorney, of law
11 enforcement and prosecuting attorneys' records pertaining to
12 investigation, diversion, and prosecution of juvenile offenses
13 shall be governed by the rules of discovery and other rules of law
14 applicable in adult criminal investigations and prosecutions.

15 (7) Upon the decision to arrest or the arrest, law enforcement
16 and prosecuting attorneys may cooperate with schools in releasing
17 information to a school pertaining to the investigation,
18 diversion, and prosecution of a juvenile attending the school.
19 Upon the decision to arrest or the arrest, incident reports may be
20 released unless releasing the records would jeopardize the
21 investigation or prosecution or endanger witnesses. If release of
22 incident reports would jeopardize the investigation or prosecution
23 or endanger witnesses, law enforcement and prosecuting attorneys
24 may release information to the maximum extent possible to assist
25 schools in protecting other students, staff, and school property.

26 (8) The juvenile court and the prosecutor may set up and
27 maintain a central record-keeping system which may receive
28 information on all alleged juvenile offenders against whom a
29 complaint has been filed pursuant to RCW 13.40.070 whether or not
30 their cases are currently pending before the court. The central
31 record-keeping system may be computerized. If a complaint has been
32 referred to a diversion unit, the diversion unit shall promptly
33 report to the juvenile court or the prosecuting attorney when the
34 juvenile has agreed to diversion. An offense shall not be reported
35 as criminal history in any central record-keeping system without
36 notification by the diversion unit of the date on which the
37 offender agreed to diversion.

38 (9) Upon request of the victim of a crime or the victim's

1 immediate family, the identity of an alleged or proven juvenile
2 offender alleged or found to have committed a crime against the
3 victim and the identity of the alleged or proven juvenile
4 offender's parent, guardian, or custodian and the circumstance of
5 the alleged or proven crime shall be released to the victim of the
6 crime or the victim's immediate family.

7 (10) Subject to the rules of discovery applicable in adult
8 criminal prosecutions, the juvenile offense records of an adult
9 criminal defendant or witness in an adult criminal proceeding
10 shall be released upon request to prosecution and defense counsel
11 after a charge has actually been filed. The juvenile offense
12 records of any adult convicted of a crime and placed under the
13 supervision of the adult corrections system shall be released upon
14 request to the adult corrections system.

15 (11) In any case in which an information has been filed
16 pursuant to RCW 13.40.100 or a complaint has been filed with the
17 prosecutor and referred for diversion pursuant to RCW 13.40.070,
18 the person the subject of the information or complaint may file a
19 motion with the court to have the court vacate its order and
20 findings, if any, and, subject to subsection (23) of this section,
21 order the sealing of the official juvenile court file, the social
22 file, and records of the court and of any other agency in the
23 case.

24 (12) The court shall grant the motion to seal records made
25 pursuant to subsection (11) of this section if it finds that:

26 (a) For class B offenses other than sex offenses, since the
27 last date of release from confinement, including full-time
28 residential treatment, if any, or entry of disposition, the person
29 has spent ten consecutive years in the community without
30 committing any offense or crime that subsequently results in
31 conviction. For class C offenses other than sex offenses, since the
32 last date of release from confinement, including full-time
33 residential treatment, if any, or entry of disposition, the person
34 has spent five consecutive years in the community without
35 committing any offense or crime that subsequently results in
36 conviction. For misdemeanors and diversions, since the last date of
37 release from confinement, including full-time residential
38 treatment, if any, or entry of disposition, the person has spent

1 two consecutive years in the community without committing any
2 offense or crime that subsequently results in conviction and the
3 person is at least eighteen years old. For gross misdemeanors,
4 since the last date of release from confinement, including full-
5 time residential treatment, if any, or entry of disposition, the
6 person has spent three consecutive years in the community without
7 committing any offense or crime that subsequently results in
8 conviction and the person is at least eighteen years old;

9 (b) No proceeding is pending against the moving party seeking
10 the conviction of a juvenile offense or a criminal offense;

11 (c) No proceeding is pending seeking the formation of a
12 diversion agreement with that person;

13 (d) The person has not been convicted of a class A or sex
14 offense; and

15 (e) Full restitution has been paid.

16 (13) The person making a motion pursuant to subsection (11) of
17 this section shall give reasonable notice of the motion to the
18 prosecution and to any person or agency whose files are sought to
19 be sealed.

20 (14) If the court grants the motion to seal made pursuant to
21 subsection (11) of this section, it shall, subject to subsection
22 (23) of this section, order sealed the official juvenile court
23 file, the social file, and other records relating to the case as
24 are named in the order. Thereafter, the proceedings in the case
25 shall be treated as if they never occurred, and the subject of the
26 records may reply accordingly to any inquiry about the events,
27 records of which are sealed. Any agency shall reply to any inquiry
28 concerning confidential or sealed records that records are
29 confidential, and no information can be given about the existence
30 or nonexistence of records concerning an individual.

31 (15) Inspection of the files and records included in the order
32 to seal may thereafter be permitted only by order of the court
33 upon motion made by the person who is the subject of the
34 information or complaint, except as otherwise provided in RCW
35 13.50.010(8) and subsection (23) of this section.

36 (16) Any adjudication of a juvenile offense or a crime
37 subsequent to sealing has the effect of nullifying the sealing

1 order. Any charging of an adult felony subsequent to the sealing
2 has the effect of nullifying the sealing order for the purposes of
3 chapter 9.94A RCW.

4 (17) A person eighteen years of age or older whose criminal
5 history consists of only one referral for diversion may request
6 that the court order the records in that case destroyed. The
7 request shall be granted, subject to subsection (23) of this
8 section, if the court finds that two years have elapsed since
9 completion of the diversion agreement.

10 (18) If the court grants the motion to destroy records made
11 pursuant to subsection (17) of this section, it shall, subject to
12 subsection (23) of this section, order the official juvenile court
13 file, the social file, and any other records named in the order to
14 be destroyed.

15 (19) The person making the motion pursuant to subsection (17)
16 of this section shall give reasonable notice of the motion to the
17 prosecuting attorney and to any agency whose records are sought to
18 be destroyed.

19 (20) Any juvenile to whom the provisions of this section may
20 apply shall be given written notice of his or her rights under
21 this section at the time of his or her disposition hearing or
22 during the diversion process.

23 (21) Nothing in this section may be construed to prevent a
24 crime victim or a member of the victim's family from divulging the
25 identity of the alleged or proven juvenile offender or his or her
26 family when necessary in a civil proceeding.

27 (22) Any juvenile justice or care agency may, subject to the
28 limitations in subsection (23) of this section and (a) and (b) of
29 this subsection, develop procedures for the routine destruction of
30 records relating to juvenile offenses and diversions.

31 (a) Records may be routinely destroyed only when the person the
32 subject of the information or complaint has attained twenty-three
33 years of age or older, or is eighteen years of age or older and
34 his or her criminal history consists entirely of one diversion
35 agreement and two years have passed since completion of the
36 agreement.

37 (b) The court may not routinely destroy the official juvenile
38 court file or recordings or transcripts of any proceedings.

1 (23) No identifying information held by the Washington state
2 patrol in accordance with chapter 43.43 RCW is subject to
3 destruction or sealing under this section. For the purposes of this
4 subsection, identifying information includes photographs,
5 fingerprints, palmprints, soleprints, toeprints and any other data
6 that identifies a person by physical characteristics, name,
7 birthdate or address, but does not include information regarding
8 criminal activity, arrest, charging, diversion, conviction or
9 other information about a person's treatment by the criminal
10 justice system or about the person's behavior.

11 (24) Information identifying child victims under age eighteen
12 who are victims of sexual assaults by juvenile offenders is
13 confidential and not subject to release to the press or public
14 without the permission of the child victim or the child's legal
15 guardian. Identifying information includes the child victim's name,
16 addresses, location, photographs, and in cases in which the child
17 victim is a relative of the alleged perpetrator, identification of
18 the relationship between the child and the alleged
19 perpetrator. Information identifying a child victim of sexual
20 assault may be released to law enforcement, prosecutors, judges,
21 defense attorneys, or private or governmental agencies that
22 provide services to the child victim of sexual assault.

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