

2SHB 1280 - S COMM AMD

By Committee on Human Services & Corrections

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each  
4 amended to read as follows:

5 (1) In order to receive funds under RCW 13.40.500 through  
6 13.40.540, local governments may, through their respective agencies  
7 that administer funding for consolidated juvenile services, submit  
8 proposals that establish community juvenile accountability programs  
9 within their communities. These proposals must be submitted to the  
10 juvenile rehabilitation administration of the department of social  
11 and health services for certification.

12 (2) The proposals must:

13 (a) Demonstrate that the proposals were developed with the input  
14 of the local law and justice councils established under RCW  
15 72.09.300;

16 (b) Describe how local community groups or members are involved  
17 in the implementation of the programs funded under RCW 13.40.500  
18 through 13.40.540;

19 (c) Include a description of how the grant funds will contribute  
20 to the expected outcomes of the program and the reduction of youth  
21 violence and juvenile crime in their community. Data approaches are  
22 not required to be replicated if the networks have information that  
23 addresses risks in the community for juvenile offenders.

24 (3) A local government receiving a grant under this section shall  
25 agree that any funds received must be used efficiently to encourage  
26 the use of community-based programs that reduce the reliance on  
27 secure confinement as the sole means of holding juvenile offenders  
28 accountable for their crimes. The local government shall also agree  
29 to account for the expenditure of all funds received under the grant  
30 and to submit to audits for compliance with the grant criteria  
31 developed under RCW 13.40.520.

1 (4) The juvenile rehabilitation administration, in consultation  
2 with the Washington association of juvenile court administrators and  
3 the state law and justice advisory council, shall establish  
4 guidelines for programs that may be funded under RCW 13.40.500  
5 through 13.40.540. The guidelines must:

6 (a) Target referred and diverted ~~((and))~~ youth, as well as  
7 adjudicated juvenile offenders;

8 (b) Include assessment methods to determine services, programs,  
9 and intervention strategies most likely to change behaviors and norms  
10 of juvenile offenders;

11 (c) Provide maximum structured supervision in the community.  
12 Programs should use natural surveillance and community guardians such  
13 as employers, relatives, teachers, clergy, and community mentors to  
14 the greatest extent possible;

15 (d) Promote good work ethic values and educational skills and  
16 competencies necessary for the juvenile offender to function  
17 effectively and positively in the community;

18 (e) Maximize the efficient delivery of treatment services aimed  
19 at reducing risk factors associated with the commission of juvenile  
20 offenses;

21 (f) Maximize the reintegration of the juvenile offender into the  
22 community upon release from confinement;

23 (g) Maximize the juvenile offender's opportunities to make full  
24 restitution to the victims and amends to the community;

25 (h) Support and encourage increased court discretion in imposing  
26 community-based intervention strategies;

27 (i) Be compatible with research that shows which prevention and  
28 early intervention strategies work with juvenile offenders;

29 (j) Be outcome-based in that it describes what outcomes will be  
30 achieved or what outcomes have already been achieved;

31 (k) Include an evaluation component; and

32 (l) Recognize the diversity of local needs.

33 (5) The state law and justice advisory council may provide  
34 support and technical assistance to local governments for training  
35 and education regarding community-based prevention and intervention  
36 strategies.

37 (6) For purposes of this section and section 3 of this act  
38 "referred youth" means a youth who:

1 (a) Was contacted by a law enforcement officer and the law  
2 enforcement officer has probable cause to believe that he or she has  
3 committed a crime;

4 (b) Was referred to a program that allows youth to enter before  
5 being diverted or charged with a juvenile offense; and

6 (c) If not for the program that he or she was referred to, would  
7 have been diverted or charged with a juvenile offense.

8 **Sec. 2.** RCW 13.40.510 and 2017 3rd sp.s. c 6 s 621 are each  
9 amended to read as follows:

10 (1) In order to receive funds under RCW 13.40.500 through  
11 13.40.540, local governments may, through their respective agencies  
12 that administer funding for consolidated juvenile services, submit  
13 proposals that establish community juvenile accountability programs  
14 within their communities. These proposals must be submitted to the  
15 department for certification.

16 (2) The proposals must:

17 (a) Demonstrate that the proposals were developed with the input  
18 of the local law and justice councils established under RCW  
19 72.09.300;

20 (b) Describe how local community groups or members are involved  
21 in the implementation of the programs funded under RCW 13.40.500  
22 through 13.40.540;

23 (c) Include a description of how the grant funds will contribute  
24 to the expected outcomes of the program and the reduction of youth  
25 violence and juvenile crime in their community. Data approaches are  
26 not required to be replicated if the networks have information that  
27 addresses risks in the community for juvenile offenders.

28 (3) A local government receiving a grant under this section shall  
29 agree that any funds received must be used efficiently to encourage  
30 the use of community-based programs that reduce the reliance on  
31 secure confinement as the sole means of holding juvenile offenders  
32 accountable for their crimes. The local government shall also agree  
33 to account for the expenditure of all funds received under the grant  
34 and to submit to audits for compliance with the grant criteria  
35 developed under RCW 13.40.520.

36 (4) The department, in consultation with the Washington  
37 association of juvenile court administrators and the state law and  
38 justice advisory council, shall establish guidelines for programs

1 that may be funded under RCW 13.40.500 through 13.40.540. The  
2 guidelines must:

3 (a) Target referred and diverted ((and)) youth, as well as  
4 adjudicated juvenile offenders;

5 (b) Include assessment methods to determine services, programs,  
6 and intervention strategies most likely to change behaviors and norms  
7 of juvenile offenders;

8 (c) Provide maximum structured supervision in the community.  
9 Programs should use natural surveillance and community guardians such  
10 as employers, relatives, teachers, clergy, and community mentors to  
11 the greatest extent possible;

12 (d) Promote good work ethic values and educational skills and  
13 competencies necessary for the juvenile offender to function  
14 effectively and positively in the community;

15 (e) Maximize the efficient delivery of treatment services aimed  
16 at reducing risk factors associated with the commission of juvenile  
17 offenses;

18 (f) Maximize the reintegration of the juvenile offender into the  
19 community upon release from confinement;

20 (g) Maximize the juvenile offender's opportunities to make full  
21 restitution to the victims and amends to the community;

22 (h) Support and encourage increased court discretion in imposing  
23 community-based intervention strategies;

24 (i) Be compatible with research that shows which prevention and  
25 early intervention strategies work with juvenile offenders;

26 (j) Be outcome-based in that it describes what outcomes will be  
27 achieved or what outcomes have already been achieved;

28 (k) Include an evaluation component; and

29 (l) Recognize the diversity of local needs.

30 (5) The state law and justice advisory council may provide  
31 support and technical assistance to local governments for training  
32 and education regarding community-based prevention and intervention  
33 strategies.

34 (6) For purposes of this section and section 3 of this act  
35 "referred youth" means a youth who:

36 (a) Was contacted by a law enforcement officer and the law  
37 enforcement officer has probable cause to believe that he or she has  
38 committed a crime;

39 (b) Was referred to a program that allows youth to enter before  
40 being diverted or charged with a juvenile offense; and

1        (c) If not for the program that he or she was referred to, would  
2 have been diverted or charged with a juvenile offense.

3        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 13.40  
4 RCW to read as follows:

5        (1) The department shall provide an annual report on December 1st  
6 to the appropriate committees of the legislature that includes a  
7 county by county description of the youth served by the programs  
8 funded under RCW 13.40.500 through 13.40.540 including the number of  
9 youth in each of those counties who were eligible for programs based  
10 on being a referred youth as defined by RCW 13.40.510.

11        (2) This section expires on July 1, 2020.

12        NEW SECTION.    **Sec. 4.**    As of the effective date of this section,  
13 the juvenile rehabilitation division of the rehabilitation  
14 administration of the department of social and health services until  
15 July 1, 2019, and the department of children, youth, and families  
16 effective July 1, 2019, must implement a stop loss policy when  
17 allocating funding under RCW 13.40.510. Under the stop loss policy,  
18 funding formula changes may not result in a funding loss for any  
19 juvenile court of more than two percent from one year to the next.  
20 The block grant oversight committee must establish a minimum base  
21 level of funding for juvenile courts with lower numbers of at-risk  
22 youth ten years of age and over but under eighteen years of age. The  
23 department's report under section 3 of this act must include  
24 information about how funding is used for referred youth and the  
25 impact of that use on overall use of funding.

26        **Sec. 5.**    RCW 13.50.260 and 2015 c 265 s 3 are each amended to  
27 read as follows:

28        (1)(a) The court shall hold regular sealing hearings. During  
29 these regular sealing hearings, the court shall administratively seal  
30 an individual's juvenile record pursuant to the requirements of this  
31 subsection (~~((unless the court receives an objection to sealing or the~~  
32 ~~court notes a compelling reason not to seal, in which case, the court~~  
33 ~~shall set a contested hearing to be conducted on the record to~~  
34 ~~address sealing))). Although the juvenile record shall be sealed, the  
35 social file may be available to any juvenile justice or care agency  
36 when an investigation or case involving the juvenile subject of the  
37 records is being prosecuted by the juvenile justice or care agency or~~

1 when the juvenile justice or care agency is assigned the  
2 responsibility of supervising the juvenile. (~~The contested hearing~~  
3 ~~shall be set no sooner than eighteen days after notice of the hearing~~  
4 ~~and the opportunity to object has been sent to the juvenile, the~~  
5 ~~victim, and juvenile's attorney.~~) The juvenile respondent's presence  
6 is not required at a sealing hearing pursuant to this subsection.

7 (b) At the disposition hearing of a juvenile offender, the court  
8 shall schedule an administrative sealing hearing to take place during  
9 the first regularly scheduled sealing hearing after the latest of the  
10 following events that apply:

11 (i) The respondent's eighteenth birthday;

12 (ii) Anticipated completion of a respondent's probation, if  
13 ordered;

14 (iii) Anticipated release from confinement at the juvenile  
15 rehabilitation administration, or the completion of parole, if the  
16 respondent is transferred to the juvenile rehabilitation  
17 administration.

18 (c) (~~A court shall enter a written order sealing an individual's~~  
19 ~~juvenile court record pursuant to this subsection if:~~

20 ~~(i))~~ The court shall not schedule an administrative sealing  
21 hearing at the disposition hearing and no administrative sealing  
22 hearing shall take place if one of the offenses for which the court  
23 has entered a disposition is ((not)) at the time of commission of the  
24 offense:

25 ~~((A))~~ (i) A most serious offense, as defined in RCW 9.94A.030;

26 ~~((B))~~ (ii) A sex offense under chapter 9A.44 RCW; or

27 ~~((C))~~ (iii) A drug offense, as defined in RCW 9.94A.030(~~(+~~  
28 ~~and))~~).

29 ~~((ii))~~ (d) At the time of the scheduled administrative sealing  
30 hearing, the court shall enter a written order sealing an  
31 individual's juvenile court record pursuant to this subsection if the  
32 court finds the respondent ((has completed the terms and conditions  
33 of disposition, including affirmative conditions and)) is no longer  
34 on supervision in the case to be sealed and has paid the full amount  
35 of restitution owing to the individual victim named in the  
36 restitution order, excluding restitution owed to any insurance  
37 provider authorized under Title 48 RCW. ((d) Following a contested  
38 sealing hearing on the record after an objection is made pursuant to  
39 (a) of this subsection, the court shall enter a written order sealing  
40 the juvenile court record unless the court determines that sealing is

1 ~~not appropriate.))~~ In determining whether or not the respondent is on  
2 supervision or owes restitution, the court shall take judicial notice  
3 of the court records, including the records of the county clerk's  
4 office, and, if necessary, sworn testimony from a representative of  
5 the juvenile department. If sealing is denied solely on the basis of  
6 unpaid restitution owing to individual victims excluding insurance  
7 providers authorized under Title 48 RCW, the court shall specify in a  
8 written order of denial the amount of restitution which remains  
9 unpaid to each individual victim.

10 (e) At the time of the initial administrative sealing hearing  
11 scheduled at disposition, if the court finds that the respondent  
12 remains on supervision but has paid the full amount of restitution  
13 owing to the individual victim named in the restitution order,  
14 excluding restitution owed to any insurance provider, then the court  
15 shall continue the administrative sealing hearing to a date within  
16 thirty days following the anticipated end date of the respondent's  
17 current supervision. At the next administrative sealing hearing, the  
18 court shall again determine the respondent's eligibility to seal as  
19 set forth in (d) of this subsection, and, if necessary, continue the  
20 hearing again as provided in this subsection. Other than the  
21 administrative sealing hearing scheduled at disposition, and those  
22 continued under the terms of this subsection and proceedings under  
23 (f) of this subsection, no further hearings on administrative sealing  
24 shall be scheduled, held, or continued.

25 (f) If, at the administrative sealing hearing, the court denies  
26 sealing solely on the basis of unpaid restitution, the clerk of the  
27 court shall notify the respondent of the denial of sealing at the  
28 respondent's last known address and specify the amount of restitution  
29 which according to the court's finding remains unpaid to each  
30 individual victim. At any time following such hearing, the court  
31 shall thereafter seal the respondent's juvenile court record if the  
32 respondent contacts the court, provides proof of payment, requests  
33 the case to be sealed, and the court finds that restitution is paid,  
34 excluding restitution owed to any insurance provider authorized under  
35 Title 48 RCW.

36 (2) Except for dismissal of a deferred disposition under RCW  
37 13.40.127, the court shall enter a written order immediately sealing  
38 the official juvenile court record upon the acquittal after a fact  
39 finding or upon the dismissal of charges with prejudice, subject to  
40 the state's right, if any, to appeal the dismissal.

1 (3) If a juvenile court record has not already been sealed  
2 pursuant to this section, in any case in which information has been  
3 filed pursuant to RCW 13.40.100 or a complaint has been filed with  
4 the prosecutor and referred for diversion pursuant to RCW 13.40.070,  
5 the person who is the subject of the information or complaint may  
6 file a motion with the court to have the court (~~((vacate its order and  
7 findings, if any, and, subject to RCW 13.50.050(13),))~~) order the  
8 sealing of the official juvenile court record, the social file, and  
9 records of the court and of any other agency in the case, with the  
10 exception of identifying information under RCW 13.50.050(13).

11 (4)(a) The court shall grant any motion to seal records for class  
12 A offenses made pursuant to subsection (3) of this section if:

13 (i) Since the last date of release from confinement, including  
14 full-time residential treatment, if any, or entry of disposition, the  
15 person has spent five consecutive years in the community without  
16 committing any offense or crime that subsequently results in an  
17 adjudication or conviction;

18 (ii) No proceeding is pending against the moving party seeking  
19 the conviction of a juvenile offense or a criminal offense;

20 (iii) No proceeding is pending seeking the formation of a  
21 diversion agreement with that person;

22 (iv) The person is no longer required to register as a sex  
23 offender under RCW 9A.44.130 or has been relieved of the duty to  
24 register under RCW 9A.44.143 if the person was convicted of a sex  
25 offense;

26 (v) The person has not been convicted of rape in the first  
27 degree, rape in the second degree, or indecent liberties (~~((that was  
28 actually committed))~~) with forcible compulsion; and

29 (vi) The person has paid the full amount of restitution owing to  
30 the individual victim named in the restitution order, excluding  
31 restitution owed to any insurance provider authorized under Title 48  
32 RCW.

33 (b) The court shall grant any motion to seal records for class B,  
34 class C, gross misdemeanor, and misdemeanor offenses and diversions  
35 made under subsection (3) of this section if:

36 (i) Since the date of last release from confinement, including  
37 full-time residential treatment, if any, entry of disposition, or  
38 completion of the diversion agreement, the person has spent two  
39 consecutive years in the community without being convicted of any  
40 offense or crime;



1 (ii) No proceeding is pending against the moving party seeking  
2 the conviction of a juvenile offense or a criminal offense;

3 (iii) No proceeding is pending seeking the formation of a  
4 diversion agreement with that person;

5 (iv) The person is no longer required to register as a sex  
6 offender under RCW 9A.44.130 or has been relieved of the duty to  
7 register under RCW 9A.44.143 if the person was convicted of a sex  
8 offense; and

9 (v) The person has paid the full amount of restitution owing to  
10 the individual victim named in the restitution order, excluding  
11 restitution owed to any insurance provider authorized under Title 48  
12 RCW.

13 (c) Notwithstanding the requirements in (a) or (b) of this  
14 subsection, the court shall grant any motion to seal records of any  
15 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,  
16 2012, if restitution has been paid and the person is eighteen years  
17 of age or older at the time of the motion.

18 (5) The person making a motion pursuant to subsection (3) of this  
19 section shall give reasonable notice of the motion to the prosecution  
20 and to any person or agency whose records are sought to be sealed.

21 (6)(a) If the court enters a written order sealing the juvenile  
22 court record pursuant to this section, it shall, subject to RCW  
23 13.50.050(13), order sealed the official juvenile court record, the  
24 social file, and other records relating to the case as are named in  
25 the order. Thereafter, the proceedings in the case shall be treated  
26 as if they never occurred, and the subject of the records may reply  
27 accordingly to any inquiry about the events, records of which are  
28 sealed. Any agency shall reply to any inquiry concerning confidential  
29 or sealed records that records are confidential, and no information  
30 can be given about the existence or nonexistence of records  
31 concerning an individual.

32 (b) In the event the subject of the juvenile records receives a  
33 full and unconditional pardon, the proceedings in the matter upon  
34 which the pardon has been granted shall be treated as if they never  
35 occurred, and the subject of the records may reply accordingly to any  
36 inquiry about the events upon which the pardon was received. Any  
37 agency shall reply to any inquiry concerning the records pertaining  
38 to the events for which the subject received a pardon that records  
39 are confidential, and no information can be given about the existence  
40 or nonexistence of records concerning an individual.

1 (c) Effective July 1, 2019, the department of licensing may  
2 release information related to records the court has ordered sealed  
3 only to the extent necessary to comply with federal law and  
4 regulation.

5 (7) Inspection of the files and records included in the order to  
6 seal may thereafter be permitted only by order of the court upon  
7 motion made by the person who is the subject of the information or  
8 complaint, except as otherwise provided in RCW 13.50.010(8) and  
9 13.50.050(13).

10 (8)(a) Any adjudication of a juvenile offense or a crime  
11 subsequent to sealing has the effect of nullifying a sealing order;  
12 however, the court may order the juvenile court record resealed upon  
13 disposition of the subsequent matter if the case meets the sealing  
14 criteria under this section and the court record has not previously  
15 been resealed.

16 (b) Any charging of an adult felony subsequent to the sealing has  
17 the effect of nullifying the sealing order.

18 (c) The administrative office of the courts shall ensure that the  
19 superior court judicial information system provides prosecutors  
20 access to information on the existence of sealed juvenile records.

21 (d) The Washington state patrol shall ensure that the Washington  
22 state identification system provides criminal justice agencies access  
23 to sealed juvenile records information.

24 (9) If the juvenile court record has been sealed pursuant to this  
25 section, the record of an employee is not admissible in an action for  
26 liability against the employer based on the former juvenile  
27 offender's conduct to show that the employer knew or should have  
28 known of the juvenile record of the employee. The record may be  
29 admissible, however, if a background check conducted or authorized by  
30 the employer contained the information in the sealed record.

31 (10) County clerks may interact or correspond with the  
32 respondent, his or her parents, and any holders of potential assets  
33 or wages of the respondent for the purposes of collecting an  
34 outstanding legal financial obligation after juvenile court records  
35 have been sealed pursuant to this section.

36 (11) Persons and agencies that obtain sealed juvenile records  
37 information pursuant to this section may communicate about this  
38 information with the respondent, but may not disseminate or be  
39 compelled to release the information to any person or agency not

1 specifically granted access to sealed juvenile records in this  
2 section.

3 NEW SECTION. **Sec. 6.** Section 1 of this act expires July 1,  
4 2019.

5 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect July 1,  
6 2019."

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By Committee on Human Services & Corrections

7 On page 1, line 1 of the title, after "to" strike the remainder  
8 of the title and insert "juvenile justice; amending RCW 13.40.510,  
9 13.40.510, and 13.50.260; adding a new section to chapter 13.40 RCW;  
10 creating a new section; providing an effective date; and providing  
11 expiration dates."

EFFECT: (1) Requires Juvenile Rehabilitation, until July 1, 2019,  
and the Department of Children, Youth, and Families, effective July  
1, 2019, to implement a stop loss policy when allocating Community  
Juvenile Accountability Program funding so that funding formula  
changes do not result in a funding loss for any juvenile court of  
more than two percent from one year to the next. Requires the block  
grant oversight committee to establish a minimum base level of  
funding for juvenile courts with lower numbers of at-risk youth aged  
10-17. Requires DSHS to report how funding is used for referred youth  
and the impact of that use on overall funding.

(2) Requires superior courts to hold regular sealing hearings for  
juvenile court records related to eligible offenses in which the  
juvenile court record must be sealed if the court finds the juvenile  
is no longer on supervision in the case to be sealed and had paid the  
full restitution amount owing to the individual victim.

(3) Eliminates contested sealing hearings.

(4) Allows the court to take judicial notice of court records and  
continue sealing hearings if the juvenile remains on supervision but  
has paid restitution.

(5) Requires the court to seal juvenile court records if denial  
of sealing is based solely on nonpayment of restitution and the  
juvenile provides proof of payment of restitution at a later date.

(6) Exempts dismissals of deferred dispositions from immediate  
sealing and removes requirement that records be vacated before  
sealing.

--- END ---