

**SSB 6550 - S AMD 501**

By Senator Darneille

ADOPTED 02/12/2018

1 On page 21, after line 34, insert the following:

2 "Sec. 5. RCW 13.50.270 and 2014 c 175 s 5 are each amended to  
3 read as follows:

4 (1)(a) Subject to RCW 13.50.050(13), all records maintained by  
5 any court or law enforcement agency, including the juvenile court,  
6 local law enforcement, the Washington state patrol, and the  
7 prosecutor's office, shall be automatically destroyed within ninety  
8 days of becoming eligible for destruction. Juvenile records are  
9 eligible for destruction when:

10 (i) The person who is the subject of the information or complaint  
11 is at least eighteen years of age;

12 (ii) ~~The ((person's criminal history consists entirely of one~~  
13 ~~diversion agreement or counsel and release entered on or after June~~  
14 ~~12, 2008))~~ records in question consist of successfully completed  
15 diversion agreements and counsel and release agreements, or both,  
16 which were completed on or after the effective date of this section;  
17 and

18 (iii) ~~((Two years have elapsed since completion of the agreement~~  
19 ~~or counsel and release;~~

20 (iv) ~~No proceeding is pending against the person seeking the~~  
21 ~~conviction of a criminal offense; and~~

22 (v)) There is no restitution owing in the case.

23 (b) Notwithstanding this subsection (1), records of successfully  
24 completed diversion agreements and counsel and release agreements  
25 remain subject to destruction under the terms set forth in  
26 subsections (2) through (4) of this section, as well as sealing under  
27 RCW 13.50.260.

28 (c) No less than quarterly, the administrative office of the  
29 courts shall provide a report to the juvenile courts of those  
30 individuals whose records may be eligible for destruction. The  
31 juvenile court shall verify eligibility and notify the Washington  
32 state patrol and the appropriate local law enforcement agency and

1 prosecutor's office of the records to be destroyed. The requirement  
2 to destroy records under this subsection is not dependent on a court  
3 hearing or the issuance of a court order to destroy records.

4 ~~((e))~~ (d) The state and local governments and their officers  
5 and employees are not liable for civil damages for the failure to  
6 destroy records pursuant to this section.

7 (2) All records maintained by any court or law enforcement  
8 agency, including the juvenile court, local law enforcement, the  
9 Washington state patrol, and the prosecutor's office, shall be  
10 automatically destroyed within thirty days of being notified by the  
11 governor's office that the subject of those records received a full  
12 and unconditional pardon by the governor.

13 (3)(a) A person may request that the court order the records in  
14 his or her case destroyed as follows:

15 (i) A person eighteen years of age or older whose criminal  
16 history consists entirely of one diversion agreement or counsel and  
17 release entered prior to June 12, 2008. The request shall be granted  
18 if the court finds that two years have elapsed since completion of  
19 the agreement or counsel and release.

20 (ii) A person twenty-three years of age or older whose criminal  
21 history consists of only referrals for diversion. The request shall  
22 be granted if the court finds that all diversion agreements have been  
23 successfully completed and no proceeding is pending against the  
24 person seeking the conviction of a criminal offense.

25 (b) If the court grants the motion to destroy records made  
26 pursuant to this subsection, it shall, subject to RCW 13.50.050(13),  
27 order the official juvenile court record, the social file, and any  
28 other records named in the order to be destroyed.

29 (c) The person making the motion pursuant to this subsection must  
30 give reasonable notice of the motion to the prosecuting attorney and  
31 to any agency whose records are sought to be destroyed.

32 (4) Any juvenile justice or care agency may, subject to the  
33 limitations in RCW 13.50.050(13) and this section, develop procedures  
34 for the routine destruction of records relating to juvenile offenses  
35 and diversions.

36 (a) Records may be routinely destroyed only when the person the  
37 subject of the information or complaint has attained twenty-three  
38 years of age or older or pursuant to subsection (1) of this section.

1 (b) The court may not routinely destroy the official juvenile  
2 court record or recordings or transcripts of any proceedings."

3 Renumber the remaining sections consecutively and correct any  
4 internal references accordingly.

**SSB 6550** - S AMD 501  
By Senator Darneille

**ADOPTED 02/12/2018**

5 On page 1, line 2 of the title, after "13.40.020," strike "and"  
6 and after "13.40.080" insert ", and 13.50.270"

EFFECT: Provides that juvenile records are eligible for  
destruction when the records consist of successfully completed  
diversion agreements and counsel and release agreements completed on  
or after the effective date of the act and there is no restitution  
owing in the case.

--- END ---