
**Human Services & Early Learning
Committee**

HB 2794

Brief Description: Concerning juvenile record sealing.

Sponsors: Representatives Frame, Davis, Peterson, Lekanoff, Pollet and Santos.

Brief Summary of Bill

- Modifies provisions related to juvenile record sealing.

Hearing Date: 2/4/20

Staff: Luke Wickham (786-7146).

Background:

Sealing Juvenile Records.

Juvenile offender records are public unless sealed. Records of non-offender juvenile cases, such as dependency or adoption records, are not open to public inspection.

Two methods by which individuals may seal their juvenile records include:

- an individual may make a motion to seal the official juvenile court record, the social file, and records of the court and any other agency in the case; or
- an individual may have their record sealed during regularly held administrative sealing hearings.

Once a juvenile record is sealed, the proceedings in the case must be treated as if they never occurred. Any subsequent criminal adjudication or adult felony charge unseals the case.

Regular Sealing Hearings.

At the disposition hearing of a juvenile offender, courts must schedule an administrative sealing hearing after that offender turns 18 years old and is anticipated to have completed any probation

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and confinement. Courts shall seal the individual's juvenile court record if none of the offenses for which the court is entering disposition are a most serious offense, a sex offense under chapter 9A.44, or a felony drug offense. Respondents must also have completed the terms and conditions of disposition, including financial obligations, to seal a record during a regular sealing hearing.

Motions to Seal Juvenile Records.

An individual may file a motion requesting that the court seal his or her juvenile record. An individual is eligible to have his or her record sealed after remaining in the community without further conviction for a period of time and paying any restitution associated with the case. For class A felonies, an individual must remain in the community without conviction for five years. For class B felonies, class C felonies, and all misdemeanors, an individual must remain in the community without conviction for two years.

Individuals convicted of Rape in the first degree, Rape in the second degree, and Indecent Liberties with Forcible Compulsion are not eligible for record sealing. Other sex offenses are eligible for sealing, but an individual must be relieved of the obligation to register as a sex offender.

Summary of Bill:

The ability for the court to receive an objection to sealing or note a compelling reason not to seal, and set a contested administrative sealing hearing is removed.

The requirement that a respondent completes the terms and conditions of disposition before a court seals a juvenile court record during an administrative sealing hearing is removed, while requiring the individual to no longer be on supervision for the case.

Any restitution owing to a public or private entity providing insurance coverage is excluded from the requirement that a respondent has paid the full amount of restitution at the time of an administrative sealing hearing.

The court must take judicial notice of court records, including records of the county court clerk (clerk), and, if necessary, sworn testimony from a representative of the juvenile department.

If the court finds during an administrative sealing hearing that the respondent remains on supervision for the case, the court shall continue the hearing to a date within 30 days following the anticipated end date of the respondent's supervision.

During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case, but the respondent has not paid the full amount of restitution owing to the individual victim named in the restitution order, excluding any public or private entity providing insurance coverage or health care coverage, the court must deny sealing the juvenile court record in written order that specifies:

- the amount of restitution that remains unpaid;
- that the respondent may request the juvenile court record be sealed upon payment of the remaining unpaid restitution; and

- that the clerk shall seal the respondent's juvenile court record if the respondent contacts the clerk, provides proof of payment of the remaining unpaid restitution to the original victim, entities providing insurance coverage or health care coverage.

Within five business days of the entry of the order denying the request to seal a juvenile court record, the clerk must notify the respondent of the denial by providing a copy of the order of denial to the respondent in person or in writing mailed to the respondent's last known address.

At any time following entry of the written order of denying the request to seal a juvenile court record, the respondent may contact the clerk, provide proof of payment of the amount of restitution that remains unpaid to the individual victim, and request the record be sealed.

- Within five business days of the respondent's request to seal a juvenile court record, the clerk shall seal the respondent's juvenile court record.

If the clerk fails to seal the respondent's juvenile court record within five business days for any reason, then the clerk shall note the matter for a hearing within 60 days of the respondent's request to seal, and provide the respondent written notice of the hearing mailed at least 10 days prior to the hearing. If the clerk fails to note the matter for a court hearing within 60 days for any reason, the respondent may bring a motion to administratively seal the record.

The requirement that the Washington State Patrol ensure that the Washington State Identification System provide criminal justice agencies access to sealed juvenile records information is removed.

Appropriation: None.

Fiscal Note: Requested on January 21, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.