

SENATE BILL REPORT

SB 5837

As of February 19, 2019

Title: An act relating to records eligible for regular sealing in juvenile court.

Brief Description: Concerning records eligible for regular sealing in juvenile court.

Sponsors: Senators Darneille, Nguyen, Hasegawa, Kuderer and Saldaña.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 2/13/19.

Brief Summary of Bill

- Allows a juvenile court record consisting of a drug offense to be subject to a regular sealing hearing in juvenile court.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Kevin Black (786-7747)

Background: Juvenile court holds regular sealing hearings for juvenile records on the later of a juvenile's eighteenth birthday, anticipated completion of probation, or anticipated release from confinement. The court must schedule a contested sealing hearing if the court receives an objection to sealing, or if the court notes on its own motion a compelling reason not to seal. To seal a juvenile record, the court must find the juvenile has completed the full terms and conditions of the disposition, including affirmative conditions, and paid full restitution to any individual victim.

A juvenile court record is not subject to regular sealing if it is a:

- most serious offense;
- sex offense; or
- drug offense, excluding possession of a controlled substance or a forged prescription for a controlled substance.

If not subject to regular sealing, a juvenile court record may be vacated and sealed by motion, provided if the person was charged with a class A felony, the person must meet certain requirements, including spending five consecutive years in the community without being

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convicted or adjudicated of a crime, not being required to register as a sex offender, and full payment of restitution. Sealing by motion is not available to a person convicted of rape 1, rape 2, or indecent liberties with forcible compulsion.

A sealing order in juvenile court is nullified if the person is adjudicated of a juvenile offense or convicted of a crime subsequent to the sealing, or is charged with an adult felony.

Summary of Bill: A juvenile court record relating to a drug offense is subject to a regular sealing hearing in juvenile court.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This builds on the good work of many members over the years who have looked at sealing of juvenile records. We should make these processes more routine, not difficult for a youth or young adult to seal their juvenile records. We realize we have had holes in our system over the years and want to close them and keep these records confidential. This follows a national trend of recognizing that drug offenses have been the largest category of infraction that follow a youth into adulthood. We should follow the trend to focus on whether drug use creates a behavioral problem, rather than on the drug use itself. This bill makes sense for youth and for society.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.