

HOUSE BILL REPORT

SSB 6609

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to sealing juvenile records.

Brief Description: Revising timelines for sealing juvenile records.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Brandland, Regala, Franklin and Rasmussen).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/24/04, 2/26/04 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Revises the time and age limits pertaining to when juvenile court criminal records may be sealed.
- Requires the superior court management information system to automatically provide prosecutors with access to the existence of a sealed juvenile record upon the subsequent charging of a juvenile offense or adult crime.
- Nullifies the sealing of a juvenile court record upon the subsequent adjudication of a juvenile court offense or adult conviction.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

Staff: Sonja Hallum (786-7092).

Background:

The official juvenile court file of a juvenile offender is open to the public unless the file has been sealed by court order. If a juvenile court grants a motion to seal a record, the

court vacates the original adjudication and orders the record to be sealed. Thereafter, the proceedings in the case are treated as if they never occurred.

Prior to 1997, a juvenile record could be sealed if the court found that two years had elapsed from the time of the adjudication and that no criminal proceeding was pending against the person. In 1997, the juvenile record sealing statute was changed to the current statute as a part of a comprehensive modification of the juvenile court system.

Currently, juvenile records relating to class A or sex offenses may not be sealed. Juvenile records relating to other offenses may be sealed after the juvenile is 18 years of age, all restitution has been paid, if there are no proceedings pending against the person, and he or she has spent a specified number of years in the community without committing a criminal offense.

The length of time a person must spend in the community without committing an offense depends on the seriousness of the offense the person is seeking to seal:

- Class B offense records may be sealed if the offender has spent 10 years in the community without committing an offense;
- Class C offense records may be sealed after the offender has spent five years in the community without committing an offense;
- Gross misdemeanor offense records may be sealed after the offender has spent three years in the community without committing an offense; and
- Misdemeanor offense and diversion records may be sealed if the offender has spent two years in the community without committing an offense.

Any adjudication of a juvenile offense or a crime subsequent to the sealing has the effect of nullifying the sealing order. Any charging of an adult felony offense has the effect of nullifying the sealing order for the purposes of sentencing.

Summary of Amended Bill:

The bill eliminates the requirement that an offender be at least 18 years old before records relating to eligible offenses may be sealed. Therefore, a juvenile offense record may be sealed prior to the juvenile reaching 18 years of age.

The time a person must spend in the community without committing an offense before his or her record may be sealed is decreased. However, the law relating to juvenile records for class A or sex offenses remains the same and these records may not be sealed. For all other offenses which may be sealed, the following time limitations apply:

- Class B offenses may be sealed if the offender has spent five years in the community without committing an offense; and

- Class C, gross misdemeanor, misdemeanor offenses, and diversions, may be sealed after the offender has spent two years in the community without committing an offense.

Any adjudication of a juvenile offense or conviction of an adult crime has the effect of nullifying the sealing order.

The Administrative Office of the Courts must ensure that superior court judicial information system provides prosecutors access to information on the existence of a sealed juvenile record upon the charging of the person with any juvenile offense or adult crime.

Amended Bill Compared to Substitute Bill:

The amended bill nullifies the juvenile court sealing upon the adjudication of any juvenile offense or conviction of adult crime or charging of an adult felony offense. The amended bill also requires the superior court judicial information system to provide prosecutors with access to sealed juvenile records upon the charging of the person with any juvenile offense or adult crime rather than requiring the system to retrieve the documents upon the charging of the person.

Appropriation: None.

Fiscal Note: Available on SHB 3078.

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

Testimony For: (In support on substitute bill) This is a significant bill for juveniles. This bill allows a juvenile to have his or her record sealed. We heard about the young man who talked about how he completed all the terms of his probation including a victim awareness program yet he was unable to join the Peace Corp, keep a job, and was denied entry into a college teaching program as an adult because of a conviction for an offense that happened as a juvenile.

Testimony Against: None.

Persons Testifying: George Yeannakis, Washington Defender Association and Seattle University School of Law Youth Advocacy Clinic.

Persons Signed In To Testify But Not Testifying: None.