

SENATE BILL REPORT

SSB 6609

As Passed Senate, February 13, 2004

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: Children & Family Services & Corrections: 2/4/04 [DPS].

Passed Senate: 2/13/04, 49-0.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6609 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Lilah Amos (786-7429)

Background: Currently records of juvenile offenders who have been charged with or adjudicated guilty of an offense can apply to have their court files sealed when certain conditions have been met. Before records are sealed, the offender must spend a specified length of time in the community after release from confinement or treatment and, for some offenses, the offender must be 18 years old, as follows:

- Class B (other than sex offenses) - 10 years in the community without a conviction,
- Class C (other than sex offenses) - 5 years in the community without a conviction,
- Gross misdemeanor - 3 years in the community without a conviction, at least 18 years old,
- Misdemeanor - 2 years in the community without a conviction, at least 18 years old,
- Diversion - 2 years in the community without a conviction, at least 18 years old.

An adjudication of a juvenile offense or the charging of an adult felony offense subsequent to sealing results in nullifying the sealing order.

Summary of Bill: The time after which juvenile offenders can apply for sealing of their juvenile court records is decreased. For Class B offenses other than sex offenses, the offender must spend five years in the community without a conviction. For Class C offenses other than sex offenses, gross misdemeanors, misdemeanors, and diversions, the offender must spend two years in the community without a conviction. The requirement that an offender must be at least 18 years old to apply for sealing of records for certain crimes is eliminated.

The administrative office of the courts must ensure that superior courts automatically retrieve sealed juvenile records whenever a person is charged with an adult felony.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Juvenile offenders must wait far too long before they are able to ask the court to seal the official records of their offenses. They are often unable to obtain employment or housing because of their past record, although they have frequently been in the community and crime-free for many years. Their offender record also impacts their ability to be admitted to college and to receive scholarships. Shortening the length of time between their last release from confinement and their eligibility for sealing of their records is critical to their success as adults.

Testimony Against: None.

Testified: PRO: Jim Theofelis, Ask-Y Youth Advocate; Sherry Appleton, WDA/WACDL; Casey Trupin, Columbia Legal Services; Kevin Glackin-Coley, Children's Alliance; John Ohta, UDYC-SSSCRE RCC; Richard King, Catholic Community Services, University District Youth Center; Katie Hanson; Derek Robinson; Valerie Douglas, YWCA Youth Employment; George Yeannakis, Seattle University School of Law.