

# FINAL BILL REPORT

## E2SSB 6561

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**C 150 L 10**  
Synopsis as Enacted

**Brief Description:** Restricting access to juvenile offender records.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, McCaslin, Regala and Stevens).

**Senate Committee on Human Services & Corrections**  
**Senate Committee on Ways & Means**  
**House Committee on Judiciary**  
**House Committee on Human Services**

**Background:** A juvenile must make a motion to the court to have his or her juvenile record sealed. Courts do not have the authority to seal a record of an adjudication for any class A offense or a class B or C sex offense. The court does have discretion to order sealed the following records:

- class B offenses where the person has spent five consecutive years since the last date of release from confinement, full-time residential treatment, or entry of disposition in the community without being convicted of any offense or crime;
- class C offenses where the person has spent two consecutive years since the last date of release from confinement, full-time residential treatment, or entry of disposition in the community without being convicted of any offense or crime;
- gross misdemeanors and misdemeanors where the person has spent two consecutive years since the last date of release from confinement, full-time residential treatment, or entry of disposition in the community without being convicted of any offense or crime; and
- diversions where the person has spent two consecutive years in the community since the completion of the diversion agreement without being convicted of any offense or crime.

In addition, the court cannot order juvenile records sealed if there is: a proceeding pending against the moving party seeking his or her conviction for a juvenile or criminal offense; a proceeding pending seeking the formation of a diversion agreement with that person; and full restitution has not been paid.

If the court grants the motion to seal, the order to seal covers the juvenile court file, the social file, and other records relating to the case as are named in the order. The order to seal means

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the proceedings in the case can be treated as though they never occurred and the subject of the records may reply accordingly to any inquiry about the events contained in the record.

**Summary:** The court has the authority to seal records for class A offenses if, since the last date of release from confinement, full time residential treatment or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction; is not party to a pending proceeding seeking his or her conviction for a juvenile or criminal offense; is not a party to a proceeding seeking the formation of a diversion agreement; has not been convicted of a sex offense; and has paid full restitution.

A person who has reached his or her 18th birthday must petition the court to have his or her records for class B, C, gross misdemeanor, misdemeanor, and diversions sealed. Before the court orders records sealed, the person must show that:

- he or she has resided in the community for two consecutive years since the date he or she was released from confinement, entry of disposition, or completion of a diversion agreement without being convicted of any crime or offense;
- no proceeding is pending against him or her seeking conviction for a juvenile or adult crime;
- no proceeding is pending against him or her for the formation of a diversion agreement; and
- full restitution has been paid.

The term adjudication as used in the juvenile section of the statute has the same meaning as conviction but only for purposes of sentencing under the Sentencing Reform Act.

**Votes on Final Passage:**

Senate	41	4	
House	59	38	(House amended)
Senate	31	14	(Senate concurred)

**Effective:** June 10, 2010