
SUBSTITUTE HOUSE BILL 1793

State of Washington

62nd Legislature

2011 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Darneille, Roberts, and Kagi)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to restricting access to juvenile records; amending
2 RCW 13.50.010; adding new sections to chapter 13.50 RCW; and creating
3 new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) One of the goals of the juvenile justice system is to
7 rehabilitate juvenile offenders and promote their successful
8 reintegration into society. Without opportunities to reintegrate,
9 juveniles suffer increased recidivism and decreased economic function.

10 (2) The unrestricted dissemination of juvenile records can hinder
11 social reintegration when inaccurate, outdated, or personal information
12 regarding the juvenile remains in the public realm.

13 (3) Limiting the number of mechanisms for accessing juvenile
14 records and the number of places where they may be housed can increase
15 overall public record accuracy while promoting rehabilitation and
16 integration.

17 (4) The public has an interest in accessing information relating to
18 juvenile records for public safety and research purposes.

1 (5) The public's legitimate interest in accessing personal
2 information must be balanced with the rehabilitative goals of the
3 juvenile justice system. All benefit when former juvenile offenders,
4 after paying their debt to society, reintegrate and contribute to their
5 local communities as productive citizens.

6 (6) It is the intent of the legislature to balance the
7 rehabilitative and reintegration needs of an effective juvenile justice
8 system with the public's need to access personal information for public
9 safety and research purposes.

10 (7) It is the intent of the legislature that juvenile adjudication
11 records be automatically restricted from public access when an
12 individual meets the eligibility requirements set forth in RCW
13 13.50.050(12).

14 **Sec. 2.** RCW 13.50.010 and 2010 c 150 s 3 are each amended to read
15 as follows:

16 (1) For purposes of this chapter:

17 (a) "Consumer reporting agency" means a person, or corporation who,
18 for monetary fees, dues, or on a cooperative nonprofit basis, regularly
19 engages in whole or in part in the business of assembling, aggregating,
20 or evaluating information on consumers for the purpose of furnishing
21 consumer reports to third parties, and who uses any means or facility
22 of commerce for the purpose of preparing or furnishing consumer
23 reports. For purposes of this chapter, offices, programs, or
24 facilities run by the state of Washington or employees therein are not
25 consumer reporting agencies;

26 (b) "Deidentified record" means any record in which the name,
27 address, and personalized identifying markers are removed;

28 (c) "Disseminate" means to disclose information contained in
29 juvenile records or the fact of the absence of such information to any
30 person;

31 (d) "Juvenile justice or care agency" means any of the following:
32 Police, diversion units, court, prosecuting attorney, defense attorney,
33 detention center, attorney general, the legislative children's
34 oversight committee, the office of the family and children's ombudsman,
35 the department of social and health services and its contracting
36 agencies, schools; persons or public or private agencies having

1 children committed to their custody; and any placement oversight
2 committee created under RCW 72.05.415;

3 ~~((b))~~ (e) "Official juvenile court file" means the legal file of
4 the juvenile court containing the petition or information, motions,
5 memorandums, briefs, findings of the court, and court orders;

6 ~~((c))~~ (f) "Records" or "juvenile records" means the official
7 juvenile court file, the social file, and records of any other juvenile
8 justice or care agency in the case;

9 ~~((d))~~ (g) "Social file" means the juvenile court file containing
10 the records and reports of the probation counselor.

11 (2) Each petition or information filed with the court may include
12 only one juvenile and each petition or information shall be filed under
13 a separate docket number. The social file shall be filed separately
14 from the official juvenile court file.

15 (3) It is the duty of any juvenile justice or care agency to
16 maintain accurate records. To this end:

17 (a) The agency may never knowingly record inaccurate information.
18 Any information in records maintained by the department of social and
19 health services relating to a petition filed pursuant to chapter 13.34
20 RCW that is found by the court to be false or inaccurate shall be
21 corrected or expunged from such records by the agency;

22 (b) An agency shall take reasonable steps to assure the security of
23 its records and prevent tampering with them; and

24 (c) An agency shall make reasonable efforts to insure the
25 completeness of its records, including action taken by other agencies
26 with respect to matters in its files.

27 (4) Each juvenile justice or care agency shall implement procedures
28 consistent with the provisions of this chapter to facilitate inquiries
29 concerning records.

30 (5) Any person who has reasonable cause to believe information
31 concerning that person is included in the records of a juvenile justice
32 or care agency and who has been denied access to those records by the
33 agency may make a motion to the court for an order authorizing that
34 person to inspect the juvenile justice or care agency record concerning
35 that person. The court shall grant the motion to examine records
36 unless it finds that in the interests of justice or in the best
37 interests of the juvenile the records or parts of them should remain
38 confidential.

1 (6) A juvenile, or his or her parents, or any person who has
2 reasonable cause to believe information concerning that person is
3 included in the records of a juvenile justice or care agency may make
4 a motion to the court challenging the accuracy of any information
5 concerning the moving party in the record or challenging the continued
6 possession of the record by the agency. If the court grants the
7 motion, it shall order the record or information to be corrected or
8 destroyed.

9 (7) The person making a motion under subsection (5) or (6) of this
10 section shall give reasonable notice of the motion to all parties to
11 the original action and to any agency whose records will be affected by
12 the motion.

13 (8) The court may permit inspection of records by, or release of
14 information to, any clinic, hospital, or agency which has the subject
15 person under care or treatment. The court may also permit inspection
16 by or release to individuals or agencies, including juvenile justice
17 advisory committees of county law and justice councils, engaged in
18 legitimate research for educational, scientific, or public purposes.
19 The court shall release to the sentencing guidelines commission records
20 needed for its research and data-gathering functions under RCW
21 9.94A.850 and other statutes. Access to records or information for
22 research purposes shall be permitted only if the anonymity of all
23 persons mentioned in the records or information will be preserved.
24 Each person granted permission to inspect juvenile justice or care
25 agency records for research purposes shall present a notarized
26 statement to the court stating that the names of juveniles and parents
27 will remain confidential.

28 (9) Juvenile detention facilities shall release records to the
29 sentencing guidelines commission under RCW 9.94A.850 upon request. The
30 commission shall not disclose the names of any juveniles or parents
31 mentioned in the records without the named individual's written
32 permission.

33 (10) Requirements in this chapter relating to the court's authority
34 to compel disclosure shall not apply to the legislative children's
35 oversight committee or the office of the family and children's
36 ombudsman.

37 (11) For the purpose of research only, the administrative office of
38 the courts shall maintain an electronic research copy of all records in

1 the judicial information system related to juveniles. Access to the
2 research copy is restricted to the Washington state center for court
3 research. The Washington state center for court research shall
4 maintain the confidentiality of all confidential records and shall
5 preserve the anonymity of all persons identified in the research copy.
6 The research copy may not be subject to any records retention schedule
7 and must include records destroyed or removed from the judicial
8 information system pursuant to RCW 13.50.050 (17) and (18) and
9 13.50.100(3).

10 (12) The court shall release to the Washington state office of
11 public defense records needed to implement the agency's oversight,
12 technical assistance, and other functions as required by RCW 2.70.020.
13 Access to the records used as a basis for oversight, technical
14 assistance, or other agency functions is restricted to the Washington
15 state office of public defense. The Washington state office of public
16 defense shall maintain the confidentiality of all confidential
17 information included in the records.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.50 RCW
19 to read as follows:

20 (1) A consumer reporting agency that collects personally
21 identifiable information pertaining to, or including, juvenile records
22 about an individual residing in Washington may not disseminate the
23 information contained within the record, including the existence or
24 nonexistence of such record, to any third party.

25 (2) A consumer reporting agency that collects personally
26 identifiable information pertaining to, or including, juvenile records
27 about an individual residing in Washington may disseminate deidentified
28 records for purposes of social science research, trend data, and
29 generalized aggregation.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.50 RCW
31 to read as follows:

32 The legislature finds that the practices covered by section 3 of
33 this act are matters vitally affecting the public interest for the
34 purpose of applying the consumer protection act, chapter 19.86 RCW. A
35 violation of section 3 of this act is not reasonable in relation to the

1 development and preservation of business and is an unfair or deceptive
2 act in trade or commerce and an unfair method of competition for the
3 purpose of applying the consumer protection act, chapter 19.86 RCW.

4 NEW SECTION. **Sec. 5.** The administrative office of the courts
5 shall convene a work group of stakeholders to develop recommendations
6 that would cost-effectively restrict the public access to juvenile
7 records where an individual has met the statutory requirements of RCW
8 13.50.050(12) and without requiring individuals who are the subject of
9 the records to file a motion to seal in juvenile court. The members of
10 the work group shall be representatives from the administrative office
11 of the courts, the judicial information systems data dissemination
12 committee, the association of clerks, the Washington defender
13 association, the Washington association of prosecuting attorneys, the
14 Washington state patrol, and a member of the Washington state bar
15 association juvenile law section. The work group shall develop
16 recommendations and report to the appropriate committees of the
17 legislature by December 1, 2011.

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