

# FINAL BILL REPORT

## E2SSB 5564

---

---

### PARTIAL VETO C 265 L 15 Synopsis as Enacted

**Brief Description:** Concerning the sealing of juvenile records and fines imposed in juvenile cases.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Darnelle, Miloscia, Hargrove, Kohl-Welles, Fain, Jayapal, Brown, Habib, Dammeier, Frockt, Litzow, Warnick, Hasegawa and McAuliffe).

**Senate Committee on Human Services, Mental Health & Housing**  
**Senate Committee on Ways & Means**  
**House Committee on Early Learning & Human Services**  
**House Committee on General Government & Information Technology**

**Background:** Sealing Juvenile Records. Since 1977, juvenile offender records have been public unless sealed. Records of non-offender juvenile cases, such as dependency or adoption records, are not open to public inspection.

There are two methods by which individuals may seal their juvenile records:

- an individual may make a motion to seal the official juvenile court record, the social file, and records of the court and any other agency in the case; or
- an individual may have their record sealed during regularly held sealing hearings.

Once a juvenile record is sealed, the proceedings in the case must be treated as if they never occurred. Any subsequent criminal adjudication or adult felony charge unseals the case.

*Regular Sealing Hearings.* At the disposition hearing of a juvenile offender, courts must schedule an administrative sealing hearing after that offender turns age 18 and is anticipated to have completed any probation and confinement. Courts must seal the individual's juvenile court record if none of the offenses for which the court is entering disposition are a most serious offense, a sex offense under chapter 9A.44, or a felony drug offense. Respondents must also have completed the terms and conditions of disposition, including financial obligations, to seal a record during a regular sealing hearing.

*Motions to Seal Juvenile Records.* An individual may also file a motion requesting that the court seal the individual's juvenile record. An individual is eligible to have the individual's record sealed under this process after remaining in the community without further conviction

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

for a period of time and paying any restitution associated with the case. For class A felonies, an individual must remain in the community without conviction for five years. For class B felonies, class C felonies, and all misdemeanors, an individual must remain in the community without conviction for two years.

Individuals convicted of rape in the first degree, rape in the second degree, and indecent liberties with forcible compulsion are not eligible for record sealing. Other sex offenses are eligible for sealing, but an individual must be relieved of the obligation to register as a sex offender.

Legal Financial Obligations (LFOs). When an individual is adjudicated as a juvenile offender, the court may impose LFOs as part of the disposition. LFOs include victim restitution, crime victims' compensation fees, costs associated with the offender's prosecution and sentence, fines, penalties, and assessments.

Interest Rate on LFOs. LFO judgments bear interest from the date of judgment at the same rate that applies to civil judgments. The rate of interest generally applicable to civil judgments is the greater of 12 percent or four points above the 26-week treasury bill rate. As a result of low treasury bill rates, 12 percent has been the interest rate on LFOs for over two decades.

Interest that accrues on restitution is paid to the victim of the offense. All other accrued interest is split between the state and county as follows: 25 percent goes to the general fund, 25 percent goes to the Judicial Information System Account, and 50 percent goes to the county, 25 percent of which must be used to fund local courts.

**Summary:** Restitution. Courts are allowed to modify juvenile restitution amounts at any time, including the time of a contested record-sealing hearing for good cause shown, including inability to pay. Respondents may also petition for relief from restitution. If the court determines that a juvenile has insufficient funds to pay and upon agreement of the victim, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the state minimum wage per hour. The court must allow the victim to determine the nature of the community service to be completed when it is practicable and appropriate to do so.

Courts must seal the juvenile records of individuals: who meet the existing criteria for sealing records, and if either the individual has paid the full amount of restitution owing to the individual victim named in the restitution order or has completed approved community service in full.

Information Sharing. Sealed juvenile social files are still available to law enforcement, juvenile justice, and care agencies when an investigation or case involving the juvenile is being prosecuted, or to agencies when the agency is responsible for supervising the juvenile. Juvenile records, whether sealed or not, may be provided without personal identifiers to researchers conducting legitimate research so long as the information is not used to identify an individual with a juvenile record.

Juvenile LFOs or Other Fees Modified or Eliminated. The following LFOs or other fees are eliminated for juveniles:

- fines for gross misdemeanors related to pet animals;
- fines for the crime of selling a pet animal to a research institution;
- penalties for cheating crimes;
- deferred prosecution or sentence fees;
- fees for the crime of commercial sexual abuse of a minor involving an Internet advertisement;
- general fines for felonies and misdemeanors;
- fines for interference with a health care facility;
- fines for the crime of unlawful issuance of a bank check;
- fines for the crime of theft of livestock;
- fines for the crimes of indecent exposure and prostitution;
- fines after impoundment of a vehicle upon arrest for prostitution-related and commercial sexual abuse of a minor crimes;
- appellate costs;
- interest on financial obligations;
- penalty assessments for crimes involving domestic violence;
- clerk's collection fees;
- conviction fees;
- sheriffs' fees;
- crime lab analysis fees;
- fees for crimes including driving under the influence, physical control of a vehicle under the influence, and vehicular homicide or assault;
- fees for crimes listed in the Uniform Controlled Substances Act;
- fines for the crime of intent to manufacture controlled substances;
- criminal wildlife penalty assessments for the crime of unlawful hunting of big game; and
- public defense costs.

In addition to the elimination of those LFOs, cities, towns, and counties may not impose any LFOs for juveniles without express statutory authority.

The victim's penalty assessment must be imposed when the juvenile is adjudicated of a most serious offense or a sex offense. For all other juvenile offenses that have a victim, the court shall order up to seven hours of community service, unless the court finds that this would not be practicable.

A juvenile under obligation to pay LFOs other than restitution, the victim penalty assessment, or the crime laboratory analysis fee may petition the court for modification or relief from those LFO obligations and interest accrued on those obligations for good cause shown, including inability to pay. The court shall consider factors such as, but not limited to, incarceration and the juvenile's other debts, including restitution, when determining a juvenile's ability to pay.

Other Provisions. Access to information on sealed juvenile court records is expanded to include criminal justice agencies. County clerks are authorized to interact or correspond with

an offender, the offender's parents, and any holders of potential assets or wages of the offender to collect an outstanding LFOs after a juvenile court record is sealed.

**Votes on Final Passage:**

Senate	48	1	
House	95	2	(House amended)
Senate	46	2	(Senate concurred)

**Effective:** July 24, 2015

**Partial Veto Summary:** Elimination of the ability of county legislative authorities to establish fees to cover the costs of operation and administration of diverse services for juvenile offenders was vetoed. County legislative authorities continue to be authorized to establish the fees.