

SENATE BILL REPORT

ESHB 1600

As of March 10, 2023

Title: An act relating to providing access to sealed juvenile records for firearm purposes.

Brief Description: Providing access to sealed juvenile records for firearm purposes.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Berry, Ramel and Pollet; by request of Washington State Patrol).

Brief History: Passed House: 2/27/23, 95-0.

Committee Activity: Law & Justice: 3/13/23.

Brief Summary of Bill

- Allows sharing of sealed juvenile records with non-Washington criminal justice agencies solely for conducting background checks for processing firearms transfers and licenses, and for releasing firearms from evidence.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: Background Checks for Firearms Transfers. Certain individuals are disqualified from possessing firearms under state and federal law including any person who has been convicted as an adult, or adjudicated as a juvenile, of a felony offense or certain domestic violence misdemeanor offenses, and any person involuntarily committed for mental health treatment or for competency restoration.

Under federal law, a dealer must, with few exceptions, conduct a background check on all firearms transfers to determine whether the purchaser is prohibited from possessing firearms. This background check is conducted through the National Instance Criminal Background Check System (NICS). Under state law, in addition to the NICS background check, a state background check is required for the purchase or transfer of a pistol or

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

semiautomatic assault rifle.

In 2020, the Legislature enacted ESHB 2467 which, in part, created a centralized point-of-contact firearms background check program within the Washington State Patrol (WSP). With this change, all background checks for firearms transfers within the state must be processed by WSP. WSP has indicated that this program will be fully operational by 2024.

Bipartisan Safer Communities Act. The federal Bipartisan Safer Communities Act (BSCA) specifically provides that federal firearms prohibitions apply if a person's juvenile record includes a prohibiting criminal conviction or involuntary commitment or mental health adjudication. The BSCA also established new provisions related to background checks for individuals under 21 years of age including the requirement that NICS must contact state and local authorities to determine whether the individual has a disqualifying record. Mental health records may only be accessed from the time the person turns 16 years of age. This enhanced background check requirement for individuals under 21 years of age expires automatically in 2032 if not renewed.

Sealing of Juvenile Records. Records of juvenile offense adjudications are public unless sealed. A juvenile offense record may be sealed through a regularly held administrative hearing or by filing a motion to seal the official juvenile court record, the social file, and the records of the court and any other involved agency. Once a juvenile record is sealed, the proceedings in the case must be treated as if they never occurred. With limited exceptions, once a juvenile record is sealed, files and records included in the sealing order may be inspected only by order of the court upon a motion made by the subject of the information of complaint.

Any subsequent juvenile adjudication or filing of an adult felony charge unseals the prior case. The Administrative Office of the Courts must ensure prosecutors have access to information to the existence of sealed juvenile records. WSP must provide Washington criminal justice agencies access to sealed juvenile records information through the Washington State Identification System (WASIS). WSP is not authorized to share this information through WASIS with criminal justice agencies outside of Washington. Criminal justice agencies are prohibited from disclosing confidential information or sealed records accessed through the WASIS or other means.

Summary of Bill: WSP must ensure that non-Washington criminal justice agencies have access to sealed juvenile records only for conducting a background check for processing and purchasing firearms, concealed pistol licenses, and alien firearms licenses, and releasing firearms from evidence.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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