
HOUSE BILL 2179

State of Washington 52nd Legislature 1991 Regular Session

By Representative Van Luven.

Read first time March 8, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to juvenile court records; and amending RCW
2 13.50.050.

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

4 **Sec. 1.** RCW 13.50.050 and 1990 c 3 s 125 are each amended to read
5 as follows:

6 (1) This section governs records relating to the commission of
7 juvenile offenses, including records relating to diversions.

8 (2) The official juvenile court file of any alleged or proven
9 juvenile offender shall be open to public inspection, unless sealed
10 pursuant to subsection (11) of this section.

11 (3) All records other than the official juvenile court file are
12 confidential and may be released only as provided in this section, RCW
13 13.50.010, 13.40.215, and 4.24.550.

14 (4) Except as otherwise provided in this section and RCW 13.50.010,
15 records retained or produced by any juvenile justice or care agency may

1 be released to other participants in the juvenile justice or care
2 system only when an investigation or case involving the juvenile in
3 question is being pursued by the other participant or when that other
4 participant is assigned the responsibility for supervising the
5 juvenile.

6 (5) Except as provided in RCW 4.24.550, information not in an
7 official juvenile court file concerning a juvenile or a juvenile's
8 family may be released to the public only when that information could
9 not reasonably be expected to identify the juvenile or the juvenile's
10 family.

11 (6) Notwithstanding any other provision of this chapter, the
12 release, to the juvenile or his or her attorney, of law enforcement and
13 prosecuting attorneys' records pertaining to investigation, diversion,
14 and prosecution of juvenile offenses shall be governed by the rules of
15 discovery and other rules of law applicable in adult criminal
16 investigations and prosecutions.

17 (7) The juvenile court and the prosecutor may set up and maintain
18 a central record-keeping system which may receive information on all
19 alleged juvenile offenders against whom a complaint has been filed
20 pursuant to RCW 13.40.070 whether or not their cases are currently
21 pending before the court. The central record-keeping system may be
22 computerized. If a complaint has been referred to a diversion unit,
23 the diversion unit shall promptly report to the juvenile court or the
24 prosecuting attorney when the juvenile has agreed to diversion. An
25 offense shall not be reported as criminal history in any central
26 record-keeping system without notification by the diversion unit of the
27 date on which the offender agreed to diversion.

28 (8) Upon request of the victim of a crime or the victim's immediate
29 family, the identity of an alleged or proven juvenile offender alleged
30 or found to have committed a crime against the victim and the identity

1 of the alleged or proven juvenile offender's parent, guardian, or
2 custodian and the circumstance of the alleged or proven crime shall be
3 released to the victim of the crime or the victim's immediate family.

4 (9) Subject to the rules of discovery applicable in adult criminal
5 prosecutions, the juvenile offense records of an adult criminal
6 defendant or witness in an adult criminal proceeding shall, whether
7 sealed or not, be released upon request to prosecution and defense
8 counsel after a charge has actually been filed. The juvenile offense
9 records of any adult convicted of a crime and placed under the
10 supervision of the adult corrections system shall be released upon
11 request to the adult corrections system.

12 (10) In any case in which an information has been filed pursuant to
13 RCW 13.40.100 or a complaint has been filed with the prosecutor and
14 referred for diversion pursuant to RCW 13.40.070, the person the
15 subject of the information or complaint may file a motion with the
16 court to have the court vacate its order and findings, if any, and,
17 subject to subsection (24) of this section, order the sealing of the
18 official juvenile court file, the social file, and records of the court
19 and of any other agency in the case.

20 (11) The court shall grant the motion to seal records made pursuant
21 to subsection (10) of this section if it finds that:

22 (a) Two years have elapsed from the later of: (i) Final discharge
23 of the person from the supervision of any agency charged with
24 supervising juvenile offenders; or (ii) from the entry of a court order
25 relating to the commission of a juvenile offense or a criminal offense;

26 (b) No proceeding is pending against the moving party seeking the
27 conviction of a juvenile offense or a criminal offense; and

28 (c) No proceeding is pending seeking the formation of a diversion
29 agreement with that person.

1 (12) The person making a motion pursuant to subsection (10) of this
2 section shall give reasonable notice of the motion to the prosecution
3 and to any person or agency whose files are sought to be sealed.

4 (13) If the court grants the motion to seal made pursuant to
5 subsection (10) of this section, it shall, subject to subsection (24)
6 of this section, order sealed the official juvenile court file, the
7 social file, and other records relating to the case as are named in the
8 order. Thereafter, the proceedings in the case shall be treated as if
9 they never occurred, and the subject of the records may reply
10 accordingly to any inquiry about the events, records of which are
11 sealed. Any agency shall reply to any inquiry concerning confidential
12 or sealed records that records are confidential, and no information can
13 be given about the existence or nonexistence of records concerning an
14 individual.

15 (14) Inspection of the files and records included in the order to
16 seal may thereafter be permitted only by order of the court upon motion
17 made by the person who is the subject of the information or complaint,
18 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
19 this section.

20 (15) Any adjudication of a juvenile offense or a crime subsequent
21 to sealing has the effect of nullifying the sealing order. Any
22 conviction for any adult felony, or any criminal prosecution of a
23 person under twenty-six years of age when the accused has two or more
24 similar offenses on his or her juvenile record, subsequent to the
25 sealing has the effect of nullifying the sealing order for the purposes
26 of chapter 9.94A RCW for any juvenile adjudication of guilt for a class
27 A offense, two or more class B offenses, or a sex offense as defined in
28 RCW 9.94A.030.

29 (16) In any case in which an information has been filed pursuant to
30 RCW 13.40.100 or a complaint has been filed with the prosecutor and

1 referred for diversion pursuant to RCW 13.40.070, the person who is the
2 subject of the information or complaint may file a motion with the
3 court to have the court vacate its order and findings, if any, and,
4 subject to subsection (24) of this section, order the destruction of
5 the official juvenile court file, the social file, and records of the
6 court and of any other agency in the case.

7 (17) The court may grant the motion to destroy records made
8 pursuant to subsection (16) of this section if it finds:

9 (a) The person making the motion is at least (~~twenty-three~~)
10 twenty-six years of age;

11 (b) The person has not subsequently been convicted of a felony;

12 (c) No proceeding is pending against that person seeking the
13 conviction of a criminal offense; and

14 (d) The person has never been found guilty of a serious offense.

15 (18) A person eighteen years of age or older whose criminal history
16 consists of only one referral for diversion may request that the court
17 order the records in that case destroyed. The request shall be
18 granted, subject to subsection (24) of this section, if the court finds
19 that two years have elapsed since completion of the diversion
20 agreement.

21 (19) If the court grants the motion to destroy records made
22 pursuant to subsection (16) or (18) of this section, it shall, subject
23 to subsection (24) of this section, order the official juvenile court
24 file, the social file, and any other records named in the order to be
25 destroyed.

26 (20) The person making the motion pursuant to subsection (16) or
27 (18) of this section shall give reasonable notice of the motion to the
28 prosecuting attorney and to any agency whose records are sought to be
29 destroyed.

1 (21) Any juvenile to whom the provisions of this section may apply
2 shall be given written notice of his or her rights under this section
3 at the time of his or her disposition hearing or during the diversion
4 process.

5 (22) Nothing in this section may be construed to prevent a crime
6 victim or a member of the victim's family from divulging the identity
7 of the alleged or proven juvenile offender or his or her family when
8 necessary in a civil proceeding.

9 (23) Any juvenile justice or care agency may, subject to the
10 limitations in subsection (24) of this section and subparagraphs (a)
11 and (b) of this subsection, develop procedures for the routine
12 destruction of records relating to juvenile offenses and diversions.

13 (a) Records may be routinely destroyed only when the person the
14 subject of the information or complaint has attained (~~twenty-three~~)
15 twenty-six years of age or older, or is eighteen years of age or older
16 and his or her criminal history consists entirely of one diversion
17 agreement and two years have passed since completion of the agreement.

18 (b) The court may not routinely destroy the official juvenile court
19 file or recordings or transcripts of any proceedings.

20 (24) No identifying information held by the Washington state patrol
21 in accordance with chapter 43.43 RCW is subject to destruction or
22 sealing under this section. For the purposes of this subsection,
23 identifying information includes photographs, fingerprints, palmprints,
24 soleprints, toeprints and any other data that identifies a person by
25 physical characteristics, name, birthdate or address, but does not
26 include information regarding criminal activity, arrest, charging,
27 diversion, conviction or other information about a person's treatment
28 by the criminal justice system or about the person's behavior.