

HOUSE BILL REPORT

HB 1577

As Reported By House Committee On:
Judiciary

Title: An act relating to juvenile records.

Brief Description: Changing when a court may seal juvenile records.

Sponsors: Representatives Bush, Sheahan, Constantine, Barlean, Quall, Talcott, Cairnes, Keiser, McIntire, Santos, Sullivan, Hatfield, DeBolt, Benson, Dunshee, Boldt, Haigh, Mielke, Veloria, Conway and Kenney.

Brief History:

Committee Activity:

Judiciary: 2/19/99, 2/22/99 [DPA].

Brief Summary of Amended Bill

- Allows a court to seal a person's juvenile record for misdemeanors and diversions if the person has been in the community for two consecutive years without being convicted of a crime and is at least 18 years old.
- Allows a court to seal a person's juvenile record for gross misdemeanors if the person has been in the community for three consecutive years without being convicted of a crime and is at least 18 years old.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

A juvenile adjudicated of an offense may petition the court to vacate its order and findings and seal the records when certain conditions are met.

Juvenile records related to class A or sex offenses may not be sealed. Juvenile records relating to class B offenses may be sealed if the offender has spent 10 years in the community without committing an offense. Juvenile records relating to class C offenses may be sealed after the offender has spent five years in the community without committing an offense.

A juvenile record for any offense may not be sealed until the offender has paid full restitution. Any subsequent adjudication of a juvenile offense or subsequent charging of an adult felony nullifies a sealing order on the offender's juvenile records.

In 1997, the Legislature made several changes to the juvenile justice laws, including the statutes regarding the sealing and destruction of juvenile court records. Prior to 1997, a person could file a motion in court to have his or her juvenile records sealed if: (a) two years had passed since the entry of the court order or discharge of the juvenile from supervision; and (b) there were no criminal proceedings pending against the person.

The law currently does not address the sealing of juvenile records for diversions, misdemeanors, or gross misdemeanors.

Summary of Amended Bill:

A provision is added to the statute regarding the sealing of juvenile records. A person's juvenile records for misdemeanors and diversions may be sealed if the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction and is at least 18 years old.

A person's juvenile records for gross misdemeanors may be sealed if the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and is at least 18 years old.

Amended Bill Compared to Original Bill: The amended bill adds the requirement that the person be at least 18. The amended bill also changed the amount of time from two years to three years in which a person has to have spent in the community without a conviction before the person's juvenile record for gross misdemeanors may be sealed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) This bill fixes an oversight that occurred in 1997 when the Legislature passed the juvenile justice reform bill. Allowing people to seal their juvenile records for minor crimes adds consistency and fairness to the juvenile justice act.

Testimony Against: None.

Testified: (In support) Representative Bush, prime sponsor.

(In support with amendment) Tom McBride, Washington Association of Prosecuting Attorneys.