

HOUSE BILL REPORT

SSB 5733

As Reported By House Committee On:
Judiciary

Title: An act relating to sealing juvenile records.

Brief Description: Revising law governing the sealing of juvenile records.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter).

Brief History:

Committee Activity:

Judiciary: 2/17/00, 2/25/00 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Authorizes the sealing of juvenile records relating to class B felonies after five years if certain conditions are met.
- Authorizes the sealing of juvenile records relating to gross misdemeanors after three years, and misdemeanors and diversions after two years, if certain conditions are met.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 7 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Kastama; Lantz and Lovick.

Minority Report: Without recommendation. Signed by 5 members: Representatives Lambert, Republican Vice Chair; Cox; Esser; McDonald and Schindler.

Staff: Edie Adams (786-7180).

Background:

A person who has a juvenile offense record may petition the court to vacate the orders and findings and seal the official court file, social file, and records in the case held by the court or other agency.

Records relating to class A felonies and sex offenses may not be sealed. If the record relates to a class B felony, the court must grant the motion to seal if the person has spent 10 years in the community without committing a new offense, there are no current proceedings pending against the person, full restitution has been paid, and the person has never been convicted of a class A or sex offense. Records relating to class C felonies may be sealed after the person has spent five years in the community with no new offenses if the other conditions are met.

Juvenile records relating to diversions, misdemeanors, and gross misdemeanors may not be sealed.

If the court grants a motion to seal, the proceedings in the case are treated as if they never occurred. A sealing order is nullified if the person is adjudicated of an offense after sealing or the person is charged with an adult felony after the sealing.

Summary of Amended Bill:

A person may petition the court to seal a juvenile record relating to a class B felony, other than a sex offense, after only five years. The court may, in its discretion, order the records sealed if the person complies with the current requirements for sealing, and in addition, the following conditions are met: the person has spent five years in the community without committing any new offenses; credible evidence exists that the record impedes a present career path; the person is at least 21 years old; and the person has led an exemplary life since committing the offense.

Juvenile records relating to gross misdemeanor offenses may be sealed if the person is at least 18 years old and three years have elapsed without any new convictions, as long as all other conditions for sealing under current law are met. Juvenile records relating to misdemeanors and diversions may be sealed after two years with no new offenses if the person is at least 18 and all other conditions of sealing are met.

The Washington State Patrol must develop an automated system to retrieve information after a sealing order has been nullified.

Amended Bill Compared to Substitute Bill: The substitute bill did not include the provision authorizing the sealing of juvenile records relating to diversions, misdemeanors, and gross misdemeanors.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill would allow a person who made a bad mistake as a young person to have records sealed if they subsequently lead an exemplary life. Most kids turn their lives around after making a mistake, and we need to help them get on with their lives. They shouldn't have to wait until age 21. The age should be lowered to 18 so that kids can apply for jobs and schools and get on with their lives.

Testimony Against: None.

Testified: (In support) Senator Honeyford, prime sponsor.

(Comments) Simmie Baer, Public Defender Association.