

SENATE BILL REPORT

SB 5733

As Reported By Senate Committee On:
Human Services & Corrections, February 26, 1999

Title: An act relating to sealing juvenile records.

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

Sponsors: Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter.

Brief History:

Committee Activity: Human Services & Corrections: 2/18/99, 2/26/99 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: The official juvenile court file including the social file, court records, and records of any other agency in the case, of any alleged or proven juvenile offender are open to public inspection unless sealed. The subject person may file a motion to have the court vacate its order and findings and order the records sealed.

The court must grant the motion if it finds that no criminal proceeding is pending against the person, no diversion agreement is currently pending, the person has not been convicted of a class A or sex offense, and full restitution has been paid. Persons convicted of class B and class C offenses must meet additional requirements.

For class B offenses, other than sex offenses, the court must seal the records if the other requirements are met and, since the last day of confinement or entry of disposition, the person has spent ten consecutive years in the community without being convicted of an offense or crime. For class C offenses, the requirements are the same, but the time period is reduced to five years.

Summary of Substitute Bill: For class B offenses, other than sex offenses, the court must seal the records after a five-year period without a conviction if: (1) it finds that no criminal proceeding is pending against the person, (2) no diversion agreement is currently pending, (3) the person has not been convicted of a class A or sex offense, (4) full restitution has been paid, (5) there is credible evidence that the person's present career path is impeded, (6) the person is at least 21 years of age, and (7) the person has lived an exemplary life since committing the last offense or crime.

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

Substitute Bill Compared to Original Bill: The automated system for information retrieval by the State Patrol is added.

Appropriation: None.

Fiscal Note: Requested on February 8, 1999.

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

Testimony For: The court should have greater discretion to seal juvenile records when a person has proved that they have changed.

Testimony Against: None.

Testified: PRO: Senator Honeyford, prime sponsor; Kevin Whitson, Tom McBride, WAPA (with concerns).