

Juvenile Justice Committee

SB 5691

Brief Description: *Adding a limitation on sealing of juvenile offender records.*

Sponsors: *By Senators Costa, Long, Hargrove and Kohl-Welles.*

Brief Summary of Bill

- *Provides that a motion to seal a juvenile record filed on or after July 1, 1997, must be decided according to the law in effect on that date, regardless of when the adjudication occurred.*

Hearing Date: *3/21/01*

Staff: *Jean Ann Quinn (786-7310).*

Background:

Before the law was changed in 1997, a juvenile offender could petition the juvenile court to seal his or her juvenile court record if at least two years had elapsed since the entry of a court order regarding the juvenile offense, or since the juvenile was discharged from state agency supervision, whichever was later. If the juvenile had committed no other offenses, the court was required to grant the motion to seal.

This law was substantially revised, effective July 1, 1997, as follows:

- *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.*
- *There is no provision authorizing the court to seal juvenile records for diversions, misdemeanors, or gross misdemeanors.*

In October 1999, the Washington Supreme Court in State v. T.K. ruled that any motion by

a juvenile to seal the record of an adjudication that occurred before July 1, 1997, must be decided based upon the law in effect before July 1, 1997, even if the motion was filed after July 1, 1997.

In other words, the law that applies is based on the date of the adjudication, not the date of the filing of the motion to seal. The court further held that the 1997 amendments may not be applied retroactively because they affect a substantive right.

Summary of Bill:

The legislature intends to change the results of the holding in State v. T.K. Any motion to seal a juvenile record that is filed on or after July 1, 1997, must be decided based on the law in effect

on that date, regardless of when the adjudication occurred.

Appropriation: None.

Fiscal Note: Not Requested.

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