

SENATE BILL REPORT

SHB 1212

As Reported By Senate Committee On:
Human Services & Corrections, March 29, 2001

Title: An act relating to sealing juvenile records relating to misdemeanors, diversions, and gross misdemeanors.

Brief Description: Sealing certain juvenile records.

Sponsors: By House Committee on Juvenile Justice (originally sponsored by Representative Bush).

Brief History:

Committee Activity: Human Services & Corrections: 3/21/01, 3/29/01 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Robert Antanaitis (786-7452)

Background: Juvenile records related to a class A felony or a sex offense cannot be sealed. Juvenile records related to a class B felony may be sealed if the offender has spent ten years in the community without committing an offense. Juvenile records related to a class C felony may be sealed if the offender has spent five years in the community without committing an offense. There is no provision in current law that specifies the conditions under which a court may seal juvenile records related to diversions, misdemeanors, or gross misdemeanors.

Summary of Amended Bill: Juvenile records related to misdemeanors 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. Juvenile records related to 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.

Amended Bill Compared to Original Bill: Language creating the requirements a person must meet before sealing juvenile records on a diversion has been removed. The requirement that a person be at least 18 years of age before he or she may request to have juvenile records on a misdemeanor or a gross misdemeanor sealed has been eliminated.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is common sense legislation that corrects an oversight in the law regarding the sealing of juvenile records. However, requiring persons who have committed a misdemeanor, gross misdemeanor, or diversion to be 18 before they can request that a record be sealed is inconsistent with the law concerning the sealing of juvenile records on a class B or C felony, which has no age requirement. The age requirement should either apply to the felony law as well, or be removed. Juveniles should have the opportunity to seal their records, but they should not have to wait until they are 18 if they have completed all other legal obligations.

Testimony Against: None.

Testified: Representative Roger Bush, prime sponsor (pro); Martha Harden, Superior Court Judges Association (pro, with concerns); Heather Lechner, Washington Defenders Association, Washington Association of Criminal Defense Lawyers (concerns).