

FINAL BILL REPORT

SB 5691

C 49 L 01
Synopsis as Enacted

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

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

Senate Committee on Human Services & Corrections
House Committee on Juvenile Justice

Background: Before the law was changed in 1997, a juvenile offender could petition the juvenile court to permanently seal juvenile court files two years after the juvenile was discharged from state agency supervision. If the juvenile had committed no other offenses, the juvenile court was required to grant the motion to seal.

In 1997, the Legislature amended RCW 13.50.050 to increase the amount of time a juvenile offender must spend in the community without committing any additional offenses before his or her record could be sealed (ten consecutive years for a class B felony conviction, five consecutive years for a class C felony conviction). Also, the Legislature eliminated the ability to seal a juvenile record when the offense was a sex offense or a class A felony. These changes took effect on July 1, 1997.

In October 1999, the Washington Supreme Court decided *State v. T.K.* In this decision, the court ruled that any motion by a juvenile to seal a record on a conviction 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.

Summary: 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 after July 1, 1997, must be decided based upon the criteria contained in RCW 13.50.050 in effect after July 1, 1997, regardless of when the conviction occurred.

Votes on Final Passage:

Senate	48 0
House	95 0

Effective: July 22, 2001