

SENATE BILL REPORT

ESHB 3078

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 26, 2004

Title: An act relating to sealing juvenile records.

Brief Description: Concerning access to information on the existence of sealed juvenile records.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Boldt, Flannigan, Kagi and Pettigrew).

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/24/04, 2/26/04 [DPA].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Lilah Amos (786-7429)

Background: The official juvenile court file of a juvenile offender is open to the public unless the file has been sealed by court order. Currently juveniles who have been adjudicated guilty of an offense which is not a class A offense or a sex offense can apply to have their court files sealed when certain conditions have been met. Records of juvenile offenders for nonfelony offenses and those who juveniles who completed diversion agreements can be sealed only after the juvenile is 18 years old. The offender must also have spent a specified length of time in the community after release from confinement or treatment without a conviction, as follows:

- Class B (other than sex offenses) - 10 years in the community,
- Class C (other than sex offenses) - 5 years in the community,
- Gross misdemeanor - 3 years in the community,
- Misdemeanor - 2 years in the community,
- Diversion - 2 years in the community.

An adjudication of a juvenile offense or the charging of an adult felony offense subsequent to sealing results in nullifying the sealing order.

Summary of Amended Bill: The time after which juvenile offenders can apply for sealing of their juvenile court records is decreased. For class B offenses other than sex offenses, the offender must spend five years in the community without a conviction. For class C offenses other than sex offenses, gross misdemeanors, misdemeanors, and diversions, the offender must spend two years in the community without a conviction. Juvenile adjudications of class A offenses and sex offenses still cannot be sealed. The requirement that juveniles be 18 years

old before they can apply for sealing of files regarding non-felony offenses and diversions is eliminated.

The Administrative Office of the Courts must ensure that prosecutors have access to information on the existence of sealed juvenile records.

Amended Bill Compared to Substitute Bill: The requirement that juveniles be 18 years old before they can apply to have their non-felony juvenile files sealed is removed. The Administrative Office of the Courts must ensure that prosecutors have access to information on the existence of sealed files.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: It is important to give juveniles a second chance by sealing files after a specified period of crime-free behavior. Sealed records should be available to prosecutors in a cost-effective way if another offense is committed.

Testimony Against: None.

Testified: PRO: Tom McBride, WAPA; Kevin Glacken-Coley, Children's Alliance; Sherry Appleton, WDA/WACDL.