SENATE BILL REPORT
ESHB 1954

As of March 23, 2009

Title: An act relating to sealing juvenile records.

Brief Description: Sealing juvenile records under certain conditions.

Sponsors: House Committee on Human Services (originally sponsored by Representative Dickerson).

Brief History: Passed House: 3/11/09, 96-0.
   Committee Activity: Human Services & Corrections: 3/26/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: <u>Deferred Disposition.</u> A deferred disposition allows a juvenile to complete certain conditions set out by the court and probation, including any restitution payment, in exchange for having the charges dismissed.   A juvenile is not eligible for a deferred disposition if the juvenile is charged with a sex or violent offense, has a criminal history which includes any felony, or has two or more prior adjudications.

If a court grants a deferred disposition the juvenile is required to:
- stipulate to the admissibility of the facts contained in the written police report;
- acknowledge that the report will be used to support a finding of guilt and impose a disposition if the juvenile fails to comply with the terms of supervision; and
- waive the right to a speedy disposition and to call and confront witnesses.

After the court enters a finding or plea of guilty, the court defers entry of an order of disposition. The juvenile offender is placed on community supervision, and the court may impose any conditions that it deems appropriate.   The juvenile normally has one year to complete the conditions but may be given up to two years.

If the juvenile offender successfully complies with the conditions of his or her supervision, including the payment of restitution, the court will vacate the conviction and dismiss the case with prejudice. A conviction for animal cruelty in the first degree may not be vacated.

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This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

<u>Sealing Juvenile Records.</u> The juvenile court file of any alleged or proven juvenile offender is open to public inspection unless it has been sealed by the court. Before 1977, juvenile records were not public. Between 1977 and 1997, a juvenile could seal his or her records for any offense, two years after being released from confinement or sentenced if the juvenile had no further offenses.

In 1998 the Legislature placed various time requirements on the ability to seal certain records and precluded the sealing of records for certain offenses, such as sex offenses and violent offenses.   Currently, a juvenile may request that the court vacate its order and seal his or her records within the following time periods:

Type of Offense	*Length of Time Since Confinement or Entry of Disposition and No New Offenses*
Sex Offenses	Records may never be sealed
Class A Felony	Records may never be sealed
Class B Felony	5 years
Class C Felony	2 years
Gross Misdemeanor	2 years
Misdemeanor	2 years

A subsequent finding of guilt nullifies a court order sealing a juvenile's record. A subsequent charge of a felony as an adult nullifies the court's sealing order.

Summary of Bill: A juvenile's records of a deferred disposition must be sealed within 30 days after the juvenile's 18th birthday if:
  • the conditions of the deferred disposition have been completed;
  • the deferred disposition has been vacated and the case dismissed with prejudice; and
  • the juvenile does not have any pending charges.

If the juvenile is already 18 on the effective date of this act, the juvenile may request that the court seal his or her record. Records that are sealed under this provision have the same legal status as records sealed under RCW 13.50.050.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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