SENATE BILL REPORT
SB 5133

As Reported by Senate Committee On:
Human Services & Corrections, February 20, 2009

Title: An act relating to access to juvenile case records for the Washington state center for court research and the Washington office of public defense.

Brief Description: Allowing the Washington center for court research and the office of public defense to access juvenile case records.

Sponsors: Senators Hargrove, Kline, McCaslin, Regala and Roach; by request of Board For Judicial Administration.

Brief History:
Committee Activity: Human Services & Corrections: 1/27/09, 2/20/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass.
  Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: Current Washington statutes require the destruction of juvenile court records if those records pertain to persons who are no longer subject to juvenile court jurisdiction or subject to compulsory school attendance laws and whose contact with the juvenile court has been limited to the following:
  • a successfully completed diversion agreement;
  • a single counsel, warn and release; or
  • a truancy case.

The Washington Office of Public Defense (OPD) is required by statute to exercise program oversight and provide technical assistance to "ensure the effective and efficient delivery of indigent defense services funded by the state." Current law is somewhat unclear about OPD's ability to access court records to fulfill its statutory responsibilities.

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.

Summary of Bill (Recommended Substitute): The Administrative Office of the Courts (AOC) must maintain an electronic research copy of records in the juvenile information system (JIS) related to juveniles. Research copy is defined to mean an electronic replica of all records entered into the JIS related to juveniles including records destroyed or removed from JIS. The records must be used only for legitimate research for educational, scientific, or public purposes.

Courts must release to OPD records needed to implement its oversight, technical assistance, and other statutory responsibilities. OPD must maintain the confidentiality of all confidential information included in the records.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Clarifies that AOC must maintain an electronic research copy of all juvenile records in the Judicial Information System for legitimate research purposes.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill does not restrict access to the records but it does restrict access to the research copy of the records. The purpose of the AOC portion of the bill is to allow the WSCCR to maintain information to determine the effectiveness of truancy and diversion programs. Without access to this information, it would not be possible to make that determination.

The purpose for the OPD portion of the bill is to make it less staff intensive to collect the case information necessary to monitor the workload of the attorneys with whom OPD has contracts. The bill would make OPD's oversight more efficient.

OTHER: The bill as drafted would seem to restrict access to juvenile records to just the WSCCR. As a result, it would make it difficult for the Washington State Institute for Public Policy (WSIPP) to obtain juvenile record information to complete its research.

Persons Testifying: PRO: Carl McCurley, AOC; Joanne Moore, OPD.

OTHER: Roxanne Lieb, WSIPP.