
SUBSTITUTE HOUSE BILL 1954

State of Washington **61st Legislature** **2009 Regular Session**

By House Human Services (originally sponsored by Representative Dickerson)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to sealing juvenile records; and amending RCW
2 13.40.127.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.127 and 2004 c 117 s 2 are each amended to read
5 as follows:

6 (1) A juvenile is eligible for deferred disposition unless he or
7 she:

8 (a) Is charged with a sex or violent offense;

9 (b) Has a criminal history which includes any felony;

10 (c) Has a prior deferred disposition or deferred adjudication; or

11 (d) Has two or more adjudications.

12 (2) The juvenile court may, upon motion at least fourteen days
13 before commencement of trial and, after consulting the juvenile's
14 custodial parent or parents or guardian and with the consent of the
15 juvenile, continue the case for disposition for a period not to exceed
16 one year from the date the juvenile is found guilty. The court shall
17 consider whether the offender and the community will benefit from a
18 deferred disposition before deferring the disposition.

19 (3) Any juvenile who agrees to a deferral of disposition shall:

1 (a) Stipulate to the admissibility of the facts contained in the
2 written police report;

3 (b) Acknowledge that the report will be entered and used to support
4 a finding of guilt and to impose a disposition if the juvenile fails to
5 comply with terms of supervision; and

6 (c) Waive the following rights to: (i) A speedy disposition; and
7 (ii) call and confront witnesses.

8 The adjudicatory hearing shall be limited to a reading of the
9 court's record.

10 (4) Following the stipulation, acknowledgment, waiver, and entry of
11 a finding or plea of guilt, the court shall defer entry of an order of
12 disposition of the juvenile.

13 (5) Any juvenile granted a deferral of disposition under this
14 section shall be placed under community supervision. The court may
15 impose any conditions of supervision that it deems appropriate
16 including posting a probation bond. Payment of restitution under RCW
17 13.40.190 shall be a condition of community supervision under this
18 section.

19 The court may require a juvenile offender convicted of animal
20 cruelty in the first degree to submit to a mental health evaluation to
21 determine if the offender would benefit from treatment and such
22 intervention would promote the safety of the community. After
23 consideration of the results of the evaluation, as a condition of
24 community supervision, the court may order the offender to attend
25 treatment to address issues pertinent to the offense.

26 (6) A parent who signed for a probation bond has the right to
27 notify the counselor if the juvenile fails to comply with the bond or
28 conditions of supervision. The counselor shall notify the court and
29 surety of any failure to comply. A surety shall notify the court of
30 the juvenile's failure to comply with the probation bond. The state
31 shall bear the burden to prove, by a preponderance of the evidence,
32 that the juvenile has failed to comply with the terms of community
33 supervision.

34 (7) A juvenile's lack of compliance shall be determined by the
35 judge upon written motion by the prosecutor or the juvenile's juvenile
36 court community supervision counselor. If a juvenile fails to comply
37 with terms of supervision, the court shall enter an order of
38 disposition.

1 (8) At any time following deferral of disposition the court may,
2 following a hearing, continue the case for an additional one-year
3 period for good cause.

4 (9) At the conclusion of the period set forth in the order of
5 deferral and upon a finding by the court of full compliance with
6 conditions of supervision and payment of full restitution, the
7 respondent's conviction shall be vacated and the court shall dismiss
8 the case with prejudice, except that a conviction under RCW 16.52.205
9 shall not be vacated.

10 (10)(a) Records of deferred disposition cases vacated under
11 subsection (9) of this section shall be automatically sealed upon the
12 juvenile's eighteenth birthday provided that the juvenile does not have
13 any charges pending at that time. If a juvenile has already reached
14 his or her eighteenth birthday before the effective date of this
15 section, and does not have any charges pending, he or she may request
16 that the court issue an order sealing the records of his or her
17 deferred disposition cases vacated under subsection (9) of this
18 section, and this request shall be granted. Nothing in this subsection
19 shall preclude a juvenile from petitioning the court to have the
20 records of his or her deferred dispositions sealed under RCW 13.50.050
21 (11) and (12).

22 (b) Records sealed under this provision shall have the same legal
23 status as records sealed under RCW 13.50.050.

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