
Early Learning & Human Services Committee

HB 2541

Brief Description: Concerning the sealing of juvenile records.

Sponsors: Representatives Darneille, Dickerson, Jinkins, Roberts, Appleton, Kagi and Kenney.

Brief Summary of Bill

- Requires the court to enter an order sealing successfully completed deferred dispositions at the time that the court enters an order vacating such deferred disposition.
- Requires the court to grant a motion to seal a successfully completed deferred disposition which was vacated prior to the effective date of this act, if person is 18 years or older when the motion to seal is made.

Hearing Date: 1/24/12

Staff: Linda Merelle (786-7092).

Background:

Deferred Disposition.

A deferred disposition in juvenile court is akin to a deferred prosecution in adult court. The juvenile offender is found guilty at the time that the court agrees to allow a deferred disposition. 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 disposition is the juvenile court equivalent of sentencing in adult court.

A juvenile is eligible for a deferred disposition unless he or she:

- is charged with a sex or violent offense;
- has a criminal history which includes any felony; or

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- 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 entered and used to support a finding of guilt and to impose a disposition (i.e., sentencing) if the juvenile fails to comply with 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. Payment of restitution must be a condition of supervision. The juvenile normally has one year to complete the conditions but may have up to two years. If the juvenile fails to complete the conditions, as determined by a hearing before the court, the court must enter an order of disposition.

If the court finds that the juvenile offender has successfully complied with the conditions of his or her supervision, including payment of restitution, the conviction is vacated and the court dismisses the case with prejudice. If the juvenile has a conviction for Animal Cruelty in the first degree, his or her conviction is not vacated.

Sealing of Deferred Dispositions.

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 at the time that the deferred disposition is vacated, he or she may request that the court seal his or her records, and that request must be granted. Records sealed under this provision have the same legal status as records sealed under other laws governing records related to juvenile offenses.

Summary of Bill:

At the time that a court vacates a deferred disposition, the court must enter a written order sealing the case. For a deferred disposition that has been vacated before the effective date of this act, the court must grant any motion to seal records of the deferred disposition if the subject of the records is at least 18 years old at the time of the motion.

Appropriation: None.

Fiscal Note: Requested on January 17, 2012.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.