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SENATE BILL 5694

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State of Washington

65th Legislature

2017 Regular Session

By Senator Darneille

Read first time 02/03/17. Referred to Committee on Human Services,  
Mental Health & Housing.

1 AN ACT Relating to the sealing of juvenile records; and amending  
2 RCW 13.50.050.

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

4 **Sec. 1.** RCW 13.50.050 and 2014 c 175 s 3 are each amended to  
5 read as follows:

6 (1) This section and RCW 13.50.260 and 13.50.270 govern records  
7 relating to the commission of juvenile offenses, including records  
8 relating to diversions.

9 ~~(2) ((The official juvenile court file of any alleged or proven~~  
10 ~~juvenile offender shall be open to public inspection, unless sealed~~  
11 ~~pursuant to RCW 13.50.260.~~

12 ~~(3))~~ All records ~~((other than))~~ including the official juvenile  
13 court file are confidential and may be released only as provided in  
14 this chapter~~((7))~~ and RCW 13.40.215 and 4.24.550.

15 ~~((4))~~ (3) Except as otherwise provided in this chapter, records  
16 retained or produced by any juvenile justice or care agency may be  
17 released to other participants in the juvenile justice or care system  
18 only when an investigation or case involving the juvenile in question  
19 is being pursued by the other participant or when that other  
20 participant is assigned the responsibility for supervising the  
21 juvenile.

1       (~~(+5)~~) (4) Except as provided in RCW 4.24.550, information not  
2 in an official juvenile court file concerning a juvenile or a  
3 juvenile's family may be released to the public only when that  
4 information could not reasonably be expected to identify the juvenile  
5 or the juvenile's family.

6       (~~(+6)~~) (5) Notwithstanding any other provision of this chapter,  
7 the release, to the juvenile or his or her attorney, of law  
8 enforcement and prosecuting attorneys' records pertaining to  
9 investigation, diversion, and prosecution of juvenile offenses shall  
10 be governed by the rules of discovery and other rules of law  
11 applicable in adult criminal investigations and prosecutions.

12       (~~(+7)~~) (6) Upon the decision to arrest or the arrest, law  
13 enforcement and prosecuting attorneys may cooperate with schools in  
14 releasing information to a school pertaining to the investigation,  
15 diversion, and prosecution of a juvenile attending the school. Upon  
16 the decision to arrest or the arrest, incident reports may be  
17 released unless releasing the records would jeopardize the  
18 investigation or prosecution or endanger witnesses. If release of  
19 incident reports would jeopardize the investigation or prosecution or  
20 endanger witnesses, law enforcement and prosecuting attorneys may  
21 release information to the maximum extent possible to assist schools  
22 in protecting other students, staff, and school property.

23       (~~(+8)~~) (7) The juvenile court and the prosecutor may set up and  
24 maintain a central recordkeeping system which may receive information  
25 on all alleged juvenile offenders against whom a complaint has been  
26 filed pursuant to RCW 13.40.070 whether or not their cases are  
27 currently pending before the court. The central recordkeeping system  
28 may be computerized. If a complaint has been referred to a diversion  
29 unit, the diversion unit shall promptly report to the juvenile court  
30 or the prosecuting attorney when the juvenile has agreed to  
31 diversion. An offense shall not be reported as criminal history in  
32 any central recordkeeping system without notification by the  
33 diversion unit of the date on which the offender agreed to diversion.

34       (~~(+9)~~) (8) Upon request of the victim of a crime or the victim's  
35 immediate family, the identity of an alleged or proven juvenile  
36 offender alleged or found to have committed a crime against the  
37 victim and the identity of the alleged or proven juvenile offender's  
38 parent, guardian, or custodian and the circumstance of the alleged or  
39 proven crime shall be released to the victim of the crime or the  
40 victim's immediate family.

1        ~~((10))~~ (9) Subject to the rules of discovery applicable in  
2 adult criminal prosecutions, the juvenile offense records of an adult  
3 criminal defendant or witness in an adult criminal proceeding shall  
4 be released upon request to prosecution and defense counsel after a  
5 charge has actually been filed. The juvenile offense records of any  
6 adult convicted of a crime and placed under the supervision of the  
7 adult corrections system shall be released upon request to the adult  
8 corrections system.

9        ~~((11))~~ (10) Any juvenile to whom the provisions of this section  
10 or RCW 13.50.260 or 13.50.270 may apply shall be given written notice  
11 of his or her rights under this section at the time of his or her  
12 disposition hearing or during the diversion process.

13        ~~((12))~~ (11) Nothing in this section or RCW 13.50.260 or  
14 13.50.270 may be construed to prevent a crime victim or a member of  
15 the victim's family from divulging the identity of the alleged or  
16 proven juvenile offender or his or her family when necessary in a  
17 civil proceeding.

18        ~~((13))~~ (12) Except as provided in RCW 13.50.270(2), no  
19 identifying information held by the Washington state patrol in  
20 accordance with chapter 43.43 RCW is subject to destruction or  
21 sealing under this section. For the purposes of this subsection,  
22 identifying information includes photographs, fingerprints,  
23 palmprints, soleprints, toeprints and any other data that identifies  
24 a person by physical characteristics, name, birthdate or address, but  
25 does not include information regarding criminal activity, arrest,  
26 charging, diversion, conviction or other information about a person's  
27 treatment by the criminal justice system or about the person's  
28 behavior.

29        ~~((14))~~ (13) Information identifying child victims under age  
30 eighteen who are victims of sexual assaults by juvenile offenders is  
31 confidential and not subject to release to the press or public  
32 without the permission of the child victim or the child's legal  
33 guardian. Identifying information includes the child victim's name,  
34 addresses, location, photographs, and in cases in which the child  
35 victim is a relative of the alleged perpetrator, identification of  
36 the relationship between the child and the alleged perpetrator.  
37 Information identifying a child victim of sexual assault may be  
38 released to law enforcement, prosecutors, judges, defense attorneys,

1 or private or governmental agencies that provide services to the  
2 child victim of sexual assault.

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