
SENATE BILL 6117

State of Washington

65th Legislature

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By Senators Darneille and Kuderer

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1 AN ACT Relating to revising conditions under which juvenile court
2 records may be sealed; and amending RCW 13.50.260.

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

4 **Sec. 1.** RCW 13.50.260 and 2015 c 265 s 3 are each amended to
5 read as follows:

6 (1)(a) The court shall hold regular sealing hearings. During
7 these regular sealing hearings, the court shall administratively seal
8 an individual's juvenile record pursuant to the requirements of this
9 subsection (~~((unless the court receives an objection to sealing or the
10 court notes a compelling reason not to seal, in which case, the court
11 shall set a contested hearing to be conducted on the record to
12 address sealing))~~). Although the juvenile record shall be sealed, the
13 social file may be available to any juvenile justice or care agency
14 when an investigation or case involving the juvenile subject of the
15 records is being prosecuted by the juvenile justice or care agency or
16 when the juvenile justice or care agency is assigned the
17 responsibility of supervising the juvenile. (~~((The contested hearing
18 shall be set no sooner than eighteen days after notice of the hearing
19 and the opportunity to object has been sent to the juvenile, the
20 victim, and juvenile's attorney.))~~) The juvenile respondent's presence
21 is not required at a sealing hearing pursuant to this subsection.

1 (b) At the disposition hearing of a juvenile offender, the court
2 shall schedule an administrative sealing hearing to take place during
3 the first regularly scheduled sealing hearing after the latest of the
4 following events that apply:

5 (i) The respondent's eighteenth birthday;

6 (ii) Anticipated completion of a respondent's probation, if
7 ordered;

8 (iii) Anticipated release from confinement at the juvenile
9 rehabilitation administration, or the completion of parole, if the
10 respondent is transferred to the juvenile rehabilitation
11 administration.

12 ~~((A court shall enter a written order sealing an individual's
13 juvenile court record pursuant to this subsection if:~~

14 ~~(+))~~ The court shall not schedule an administrative sealing
15 hearing at the disposition hearing and no administrative sealing
16 hearing shall take place if one of the offenses for which the court
17 has entered a disposition is ~~((not))~~ at the time of commission of the
18 offense:

19 ~~((A))~~ (i) A most serious offense, as defined in RCW 9.94A.030;

20 ~~((B))~~ (ii) A sex offense under chapter 9A.44 RCW; or

21 ~~((C))~~ (iii) A drug offense, as defined in RCW 9.94A.030~~((+
22 and))~~.

23 ~~((ii))~~ (d) At the time of the scheduled administrative sealing
24 hearing, the court shall enter a written order sealing an
25 individual's juvenile court record pursuant to this subsection if the
26 court finds the respondent ~~((has completed the terms and conditions
27 of disposition, including affirmative conditions and))~~ is no longer
28 on supervision in the case to be sealed and has paid the full amount
29 of restitution owing to the individual victim named in the
30 restitution order, excluding restitution owed to any insurance
31 provider authorized under Title 48 RCW. ~~((d) Following a contested
32 sealing hearing on the record after an objection is made pursuant to
33 (a) of this subsection, the court shall enter a written order sealing
34 the juvenile court record unless the court determines that sealing is
35 not appropriate.))~~ In determining whether or not the respondent is on
36 supervision or owes restitution, the court shall take judicial notice
37 of the court records, including the records of the county clerk's
38 office, and, if necessary, sworn testimony from a representative of
39 the juvenile department.

1 (e) At the time of the initial administrative sealing hearing
2 scheduled at disposition, if the court finds that the respondent
3 remains on supervision but has paid the full amount of restitution
4 owing to the individual victim named in the restitution order,
5 excluding restitution owed to any insurance provider, then the court
6 shall continue the administrative sealing hearing to a date within
7 thirty days following the anticipated end date of the respondent's
8 current supervision. At the next administrative sealing hearing, the
9 court shall again determine the respondent's eligibility to seal as
10 set forth in (d) of this subsection, and, if necessary, continue the
11 hearing again as provided in this subsection. Other than the
12 administrative sealing hearing scheduled at disposition, and those
13 continued under the terms of this subsection, no further hearings on
14 administrative sealing shall be scheduled, held, or continued.

15 (2) Except for dismissal of a deferred disposition under RCW
16 13.40.127, the court shall enter a written order immediately sealing
17 the official juvenile court record upon the acquittal after a fact
18 finding or upon the dismissal of charges with prejudice, subject to
19 the state's right, if any, to appeal the dismissal.

20 (3) If a juvenile court record has not already been sealed
21 pursuant to this section, in any case in which information has been
22 filed pursuant to RCW 13.40.100 or a complaint has been filed with
23 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
24 the person who is the subject of the information or complaint may
25 file a motion with the court to have the court (~~vacate its order and~~
26 ~~findings, if any, and, subject to RCW 13.50.050(13),~~) order the
27 sealing of the official juvenile court record, the social file, and
28 records of the court and of any other agency in the case, with the
29 exception of identifying information under RCW 13.50.050(13).

30 (4)(a) The court shall grant any motion to seal records for class
31 A offenses made pursuant to subsection (3) of this section if:

32 (i) Since the last date of release from confinement, including
33 full-time residential treatment, if any, or entry of disposition, the
34 person has spent five consecutive years in the community without
35 committing any offense or crime that subsequently results in an
36 adjudication or conviction;

37 (ii) No proceeding is pending against the moving party seeking
38 the conviction of a juvenile offense or a criminal offense;

39 (iii) No proceeding is pending seeking the formation of a
40 diversion agreement with that person;

1 (iv) The person is no longer required to register as a sex
2 offender under RCW 9A.44.130 or has been relieved of the duty to
3 register under RCW 9A.44.143 if the person was convicted of a sex
4 offense;

5 (v) The person has not been convicted of (~~rape in the first~~
6 ~~degree~~) a serious violent offense as defined in RCW 9.94A.030, rape
7 in the second degree, or indecent liberties (~~(that was actually~~
8 ~~committed)~~) with forcible compulsion; and

9 (vi) The person has paid the full amount of restitution owing to
10 the individual victim named in the restitution order, excluding
11 restitution owed to any insurance provider authorized under Title 48
12 RCW.

13 (b) The court shall grant any motion to seal records for class B,
14 class C, gross misdemeanor, and misdemeanor offenses and diversions
15 made under subsection (3) of this section if:

16 (i) Since the date of last release from confinement, including
17 full-time residential treatment, if any, entry of disposition, or
18 completion of the diversion agreement, the person has spent two
19 consecutive years in the community without being convicted of any
20 offense or crime;

21 (ii) No proceeding is pending against the moving party seeking
22 the conviction of a juvenile offense or a criminal offense;

23 (iii) No proceeding is pending seeking the formation of a
24 diversion agreement with that person;

25 (iv) The person is no longer required to register as a sex
26 offender under RCW 9A.44.130 or has been relieved of the duty to
27 register under RCW 9A.44.143 if the person was convicted of a sex
28 offense; and

29 (v) The person has paid the full amount of restitution owing to
30 the individual victim named in the restitution order, excluding
31 restitution owed to any insurance provider authorized under Title 48
32 RCW.

33 (c) For any person convicted of any serious violent offense as
34 defined in RCW 9.94A.030, rape in the second degree, or indecent
35 liberties with forcible compulsion, the court may grant any motion to
36 seal records for class A offenses made pursuant to subsection (3) of
37 this section, including serious violent offenses as defined in RCW
38 9.94A.030, rape in the second degree, or indecent liberties with
39 forcible compulsion if:

1 (i) Since the last date of release from confinement, including
2 full-time residential treatment, if any, or entry of disposition, the
3 person has spent ten consecutive years in the community without
4 committing any offense or crime that subsequently results in an
5 adjudication or conviction;

6 (ii) No proceeding is pending against the moving party seeking
7 the conviction of a juvenile offense or a criminal offense;

8 (iii) No proceeding is pending seeking the formation of a
9 diversion agreement with that person;

10 (iv) The person is no longer required to register as a sex
11 offender under RCW 9A.44.130 or has been relieved of the duty to
12 register under RCW 9A.44.143 if the person was convicted of a sex
13 offense;

14 (v) The person has paid the full amount of restitution owing to
15 the individual victim named in the restitution order, excluding
16 restitution owed to any insurance provider authorized under Title 48
17 RCW; and

18 (vi) The court finds granting the motion to seal is in the best
19 interest of the community. In considering the best interest of the
20 community, the court shall take into account the factual
21 circumstances of the case, the present life circumstances of the
22 moving party, any input from the victim, and any other factors the
23 court considers relevant.

24 (d) Notwithstanding the requirements in (a) or (b) of this
25 subsection, the court shall grant any motion to seal records of any
26 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
27 2012, if restitution has been paid and the person is eighteen years
28 of age or older at the time of the motion.

29 (5) The person making a motion pursuant to subsection (3) of this
30 section shall give reasonable notice of the motion to the prosecution
31 and to any person or agency whose records are sought to be sealed.
32 For purposes of subsection (4)(c) of this section only, the
33 prosecuting attorney must make reasonable efforts to notify the
34 victim of the motion to seal records using the victim's last known
35 contact information.

36 (6)(a) If the court enters a written order sealing the juvenile
37 court record pursuant to this section, it shall, subject to RCW
38 13.50.050(13), order sealed the official juvenile court record, the
39 social file, and other records relating to the case as are named in
40 the order. Thereafter, the proceedings in the case shall be treated

1 as if they never occurred, and the subject of the records may reply
2 accordingly to any inquiry about the events, records of which are
3 sealed. Any agency shall reply to any inquiry concerning confidential
4 or sealed records that records are confidential, and no information
5 can be given about the existence or nonexistence of records
6 concerning an individual.

7 (b) In the event the subject of the juvenile records receives a
8 full and unconditional pardon, the proceedings in the matter upon
9 which the pardon has been granted shall be treated as if they never
10 occurred, and the subject of the records may reply accordingly to any
11 inquiry about the events upon which the pardon was received. Any
12 agency shall reply to any inquiry concerning the records pertaining
13 to the events for which the subject received a pardon that records
14 are confidential, and no information can be given about the existence
15 or nonexistence of records concerning an individual.

16 (c) Effective July 1, 2019, the department of licensing may
17 release information related to records the court has ordered sealed
18 only to the extent necessary to comply with federal law and
19 regulation.

20 (7) Inspection of the files and records included in the order to
21 seal may thereafter be permitted only by order of the court upon
22 motion made by the person who is the subject of the information or
23 complaint, except as otherwise provided in RCW 13.50.010(8) and
24 13.50.050(13).

25 (8)(a) Any adjudication of a juvenile offense or a crime
26 subsequent to sealing has the effect of nullifying a sealing order;
27 however, the court may order the juvenile court record resealed upon
28 disposition of the subsequent matter if the case meets the sealing
29 criteria under this section and the court record has not previously
30 been resealed.

31 (b) Any charging of an adult felony subsequent to the sealing has
32 the effect of nullifying the sealing order.

33 (c) The administrative office of the courts shall ensure that the
34 superior court judicial information system provides prosecutors
35 access to information on the existence of sealed juvenile records.

36 (d) The Washington state patrol shall ensure that the Washington
37 state identification system provides criminal justice agencies access
38 to sealed juvenile records information.

39 (9) If the juvenile court record has been sealed pursuant to this
40 section, the record of an employee is not admissible in an action for

1 liability against the employer based on the former juvenile
2 offender's conduct to show that the employer knew or should have
3 known of the juvenile record of the employee. The record may be
4 admissible, however, if a background check conducted or authorized by
5 the employer contained the information in the sealed record.

6 (10) County clerks may interact or correspond with the
7 respondent, his or her parents, and any holders of potential assets
8 or wages of the respondent for the purposes of collecting an
9 outstanding legal financial obligation after juvenile court records
10 have been sealed pursuant to this section.

11 (11) Persons and agencies that obtain sealed juvenile records
12 information pursuant to this section may communicate about this
13 information with the respondent, but may not disseminate or be
14 compelled to release the information to any person or agency not
15 specifically granted access to sealed juvenile records in this
16 section.

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