

---

SENATE BILL 6469

---

State of Washington

63rd Legislature

2014 Regular Session

By Senator Hargrove

Read first time 01/28/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to access to juvenile records; amending RCW  
2 13.50.050, 13.40.080, 13.40.150, 13.50.050, and 10.97.050; adding a new  
3 section to chapter 2.68 RCW; creating new sections; providing effective  
4 dates; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) The primary goal of the Washington state juvenile justice  
8 system is the rehabilitation and reintegration of former juvenile  
9 offenders. The public has a compelling interest in the rehabilitation  
10 of former juvenile offenders and their successful reintegration into  
11 society as active, law-abiding, and contributing members of their  
12 communities. When juvenile court records are publicly available,  
13 former juvenile offenders face a substantial barrier to reintegration,  
14 as they are denied housing, employment, and education opportunities on  
15 the basis of these records.

16 (2) The Washington state Constitution establishes that the public  
17 has the right to an open court system. However, the public's right of  
18 access to court records is not absolute and may be limited to protect

1 other interests. The legislature intends that public access to  
2 juvenile court proceedings be limited and in many cases precluded.

3 (3) Given the rehabilitative goals of the juvenile justice system,  
4 the scientifically documented differences between the brain development  
5 of juveniles and adults, and the differences between the structure and  
6 goals of the juvenile justice system and the adult criminal justice  
7 system, the legislature declares that it is the policy of the state of  
8 Washington that the interest in juvenile rehabilitation and  
9 reintegration constitutes compelling circumstances that outweigh the  
10 public interest in continued unlimited availability of juvenile court  
11 records.

12 **Sec. 2.** RCW 13.50.050 and 2012 c 177 s 2 are each amended to read  
13 as follows:

14 (1) This section governs records relating to the commission of  
15 juvenile offenses, including records relating to diversions.

16 (2) The official juvenile court file of any alleged or proven  
17 juvenile offender shall be open to public inspection, unless sealed  
18 pursuant to subsection (12) of this section.

19 (3) All records other than the official juvenile court file are  
20 confidential and may be released only as provided in this section, RCW  
21 13.50.010, 13.40.215, and 4.24.550.

22 (4) Except as otherwise provided in this section and RCW 13.50.010,  
23 records retained or produced by any juvenile justice or care agency may  
24 be released to other participants in the juvenile justice or care  
25 system only when an investigation or case involving the juvenile in  
26 question is being pursued by the other participant or when that other  
27 participant is assigned the responsibility for supervising the  
28 juvenile.

29 (5) Except as provided in RCW 4.24.550, information not in an  
30 official juvenile court file concerning a juvenile or a juvenile's  
31 family may be released to the public only when that information could  
32 not reasonably be expected to identify the juvenile or the juvenile's  
33 family.

34 (6) Notwithstanding any other provision of this chapter, the  
35 release, to the juvenile or his or her attorney, of law enforcement and  
36 prosecuting attorneys' records pertaining to investigation, diversion,

1 and prosecution of juvenile offenses shall be governed by the rules of  
2 discovery and other rules of law applicable in adult criminal  
3 investigations and prosecutions.

4 (7) Upon the decision to arrest or the arrest, law enforcement and  
5 prosecuting attorneys may cooperate with schools in releasing  
6 information to a school pertaining to the investigation, diversion, and  
7 prosecution of a juvenile attending the school. Upon the decision to  
8 arrest or the arrest, incident reports may be released unless releasing  
9 the records would jeopardize the investigation or prosecution or  
10 endanger witnesses. If release of incident reports would jeopardize  
11 the investigation or prosecution or endanger witnesses, law enforcement  
12 and prosecuting attorneys may release information to the maximum extent  
13 possible to assist schools in protecting other students, staff, and  
14 school property.

15 (8) The juvenile court and the prosecutor may set up and maintain  
16 a central recordkeeping system which may receive information on all  
17 alleged juvenile offenders against whom a complaint has been filed  
18 pursuant to RCW 13.40.070 whether or not their cases are currently  
19 pending before the court. The central recordkeeping system may be  
20 computerized. If a complaint has been referred to a diversion unit,  
21 the diversion unit shall promptly report to the juvenile court or the  
22 prosecuting attorney when the juvenile has agreed to diversion. An  
23 offense shall not be reported as criminal history in any central  
24 recordkeeping system without notification by the diversion unit of the  
25 date on which the offender agreed to diversion.

26 (9) Upon request of the victim of a crime or the victim's immediate  
27 family, the identity of an alleged or proven juvenile offender alleged  
28 or found to have committed a crime against the victim and the identity  
29 of the alleged or proven juvenile offender's parent, guardian, or  
30 custodian and the circumstance of the alleged or proven crime shall be  
31 released to the victim of the crime or the victim's immediate family.

32 (10) Subject to the rules of discovery applicable in adult criminal  
33 prosecutions, the juvenile offense records of an adult criminal  
34 defendant or witness in an adult criminal proceeding shall be released  
35 upon request to prosecution and defense counsel after a charge has  
36 actually been filed. The juvenile offense records of any adult  
37 convicted of a crime and placed under the supervision of the adult

1 corrections system shall be released upon request to the adult  
2 corrections system.

3 (11) In any case in which an information has been filed pursuant to  
4 RCW 13.40.100 or a complaint has been filed with the prosecutor and  
5 referred for diversion pursuant to RCW 13.40.070, the person the  
6 subject of the information or complaint may file a motion with the  
7 court to have the court vacate its order and findings, if any, and,  
8 subject to subsection (23) of this section, order the sealing of the  
9 official juvenile court file, the social file, and records of the court  
10 and of any other agency in the case.

11 (12)(a) The court shall (~~not~~) grant any motion to seal records  
12 for class A offenses made pursuant to subsection (11) of this section  
13 (~~(that is filed on or after July 1, 1997, unless)~~) if:

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

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

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

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

26 (v) The person has not been convicted of rape in the first degree,  
27 rape in the second degree, or indecent liberties that was actually  
28 committed with forcible compulsion; and

29 (vi) Full restitution has been paid.

30 (b) The court shall (~~not~~) grant any motion to seal records for  
31 class B, C, gross misdemeanor and misdemeanor offenses and diversions  
32 made under subsection (11) of this section (~~(unless)~~) if:

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

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

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

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

8 (v) Full restitution has been paid.

9 (c) Notwithstanding the requirements in (a) or (b) of this  
10 subsection, the court shall grant any motion to seal records of any  
11 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,  
12 2012, if restitution has been paid and the person is eighteen years of  
13 age or older at the time of the motion.

14 (d) Notwithstanding the requirements in (a) or (b) of this  
15 subsection, at the disposition hearing of a juvenile offender, the  
16 court shall enter a written order sealing the official juvenile court  
17 file if none of the offenses for which the court has entered a  
18 disposition is:

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

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

21 (iii) Arson in the first degree or criminal solicitation of or  
22 criminal conspiracy to commit arson in the first degree;

23 (iv) Assault of a child in the second degree;

24 (v) Kidnapping in the second degree;

25 (vi) Leading organized crime; or

26 (vii) Malicious placement of an explosive in the first degree.

27 (e) The court shall enter a written order sealing the official  
28 juvenile court file:

29 (i) Upon receipt of notification that the respondent has performed  
30 his or her obligations under a diversion agreement as provided in RCW  
31 13.40.080(12)(a)(iv);

32 (ii) Upon the acquittal after a fact finding or upon dismissal of  
33 charges; or

34 (iii) If the prosecutor does not file charges within seventy-two  
35 hours after a juvenile has been taken into custody pursuant to RCW  
36 13.40.050.

37 (13) The person making a motion pursuant to subsection (11) of this

1 section shall give reasonable notice of the motion to the prosecution  
2 and to any person or agency whose files are sought to be sealed.

3 (14)(a) If the court grants the motion to seal made pursuant to  
4 subsection (11) of this section, it shall, subject to subsection (23)  
5 of this section, order sealed the official juvenile court file, the  
6 social file, and other records relating to the case as are named in the  
7 order. Thereafter, the proceedings in the case shall be treated as if  
8 they never occurred, and the subject of the records may reply  
9 accordingly to any inquiry about the events, records of which are  
10 sealed. Any agency shall reply to any inquiry concerning confidential  
11 or sealed records that records are confidential, and no information can  
12 be given about the existence or nonexistence of records concerning an  
13 individual.

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

23 (15) Inspection of the files and records included in the order to  
24 seal may thereafter be permitted only by order of the court upon motion  
25 made by the person who is the subject of the information or complaint,  
26 except as otherwise provided in RCW 13.50.010(8) and subsection (23) of  
27 this section.

28 (16) Any adjudication of a juvenile offense or a crime subsequent  
29 to sealing has the effect of nullifying ~~((the))~~ a sealing order issued  
30 pursuant to subsection (11) of this section. Any subsequent  
31 adjudication of a juvenile offense described in subsection (12)(d) of  
32 this section has the effect of nullifying sealing orders issued  
33 pursuant to subsection (12)(a), (b), or (d) of this section. Any  
34 charging of an adult felony subsequent to the sealing has the effect of  
35 nullifying the sealing order for the purposes of chapter 9.94A RCW.  
36 The administrative office of the courts shall ensure that the superior  
37 court judicial information system provides prosecutors access to  
38 information on the existence of sealed juvenile records.

1 (17)(a)(i) Subject to subsection (23) of this section, all records  
2 maintained by any court or law enforcement agency, including the  
3 juvenile court, local law enforcement, the Washington state patrol, and  
4 the prosecutor's office, shall be automatically destroyed within ninety  
5 days of becoming eligible for destruction. Juvenile records are  
6 eligible for destruction when:

7 (A) The person who is the subject of the information or complaint  
8 is at least eighteen years of age;

9 (B) His or her criminal history consists entirely of one diversion  
10 agreement or counsel and release entered on or after June 12, 2008;

11 (C) Two years have elapsed since completion of the agreement or  
12 counsel and release;

13 (D) No proceeding is pending against the person seeking the  
14 conviction of a criminal offense; and

15 (E) There is no restitution owing in the case.

16 (ii) No less than quarterly, the administrative office of the  
17 courts shall provide a report to the juvenile courts of those  
18 individuals whose records may be eligible for destruction. The  
19 juvenile court shall verify eligibility and notify the Washington state  
20 patrol and the appropriate local law enforcement agency and  
21 prosecutor's office of the records to be destroyed. The requirement to  
22 destroy records under this subsection is not dependent on a court  
23 hearing or the issuance of a court order to destroy records.

24 (iii) The state and local governments and their officers and  
25 employees are not liable for civil damages for the failure to destroy  
26 records pursuant to this section.

27 (b) All records maintained by any court or law enforcement agency,  
28 including the juvenile court, local law enforcement, the Washington  
29 state patrol, and the prosecutor's office, shall be automatically  
30 destroyed within thirty days of being notified by the governor's office  
31 that the subject of those records received a full and unconditional  
32 pardon by the governor.

33 (c) A person eighteen years of age or older whose criminal history  
34 consists entirely of one diversion agreement or counsel and release  
35 entered prior to June 12, 2008, may request that the court order the  
36 records in his or her case destroyed. The request shall be granted,  
37 subject to subsection (23) of this section, if the court finds that two

1 years have elapsed since completion of the agreement or counsel and  
2 release.

3 (d) A person twenty-three years of age or older whose criminal  
4 history consists of only referrals for diversion may request that the  
5 court order the records in those cases destroyed. The request shall be  
6 granted, subject to subsection (23) of this section, if the court finds  
7 that all diversion agreements have been successfully completed and no  
8 proceeding is pending against the person seeking the conviction of a  
9 criminal offense.

10 (18) If the court grants the motion to destroy records made  
11 pursuant to subsection (17)(c) or (d) of this section, it shall,  
12 subject to subsection (23) of this section, order the official juvenile  
13 court file, the social file, and any other records named in the order  
14 to be destroyed.

15 (19) The person making the motion pursuant to subsection (17)(c) or  
16 (d) of this section shall give reasonable notice of the motion to the  
17 prosecuting attorney and to any agency whose records are sought to be  
18 destroyed.

19 (20) Any juvenile to whom the provisions of this section may apply  
20 shall be given written notice of his or her rights under this section  
21 at the time of his or her disposition hearing or during the diversion  
22 process.

23 (21) Nothing in this section may be construed to prevent a crime  
24 victim or a member of the victim's family from divulging the identity  
25 of the alleged or proven juvenile offender or his or her family when  
26 necessary in a civil proceeding.

27 (22) Any juvenile justice or care agency may, subject to the  
28 limitations in subsection (23) of this section and (a) and (b) of this  
29 subsection, develop procedures for the routine destruction of records  
30 relating to juvenile offenses and diversions.

31 (a) Records may be routinely destroyed only when the person the  
32 subject of the information or complaint has attained twenty-three years  
33 of age or older or pursuant to subsection (17)(a) of this section.

34 (b) The court may not routinely destroy the official juvenile court  
35 file or recordings or transcripts of any proceedings.

36 (23) Except for subsection (17)(b) of this section, no identifying  
37 information held by the Washington state patrol in accordance with  
38 chapter 43.43 RCW is subject to destruction or sealing under this

1 section. For the purposes of this subsection, identifying information  
2 includes photographs, fingerprints, palmprints, soleprints, toeprints  
3 and any other data that identifies a person by physical  
4 characteristics, name, birthdate or address, but does not include  
5 information regarding criminal activity, arrest, charging, diversion,  
6 conviction or other information about a person's treatment by the  
7 criminal justice system or about the person's behavior.

8 (24) Information identifying child victims under age eighteen who  
9 are victims of sexual assaults by juvenile offenders is confidential  
10 and not subject to release to the press or public without the  
11 permission of the child victim or the child's legal guardian.  
12 Identifying information includes the child victim's name, addresses,  
13 location, photographs, and in cases in which the child victim is a  
14 relative of the alleged perpetrator, identification of the relationship  
15 between the child and the alleged perpetrator. Information identifying  
16 a child victim of sexual assault may be released to law enforcement,  
17 prosecutors, judges, defense attorneys, or private or governmental  
18 agencies that provide services to the child victim of sexual assault.

19 **Sec. 3.** RCW 13.40.080 and 2013 c 179 s 4 are each amended to read  
20 as follows:

21 (1) A diversion agreement shall be a contract between a juvenile  
22 accused of an offense and a diversion unit whereby the juvenile agrees  
23 to fulfill certain conditions in lieu of prosecution. Such agreements  
24 may be entered into only after the prosecutor, or probation counselor  
25 pursuant to this chapter, has determined that probable cause exists to  
26 believe that a crime has been committed and that the juvenile committed  
27 it. Such agreements shall be entered into as expeditiously as  
28 possible.

29 (2) A diversion agreement shall be limited to one or more of the  
30 following:

31 (a) Community restitution not to exceed one hundred fifty hours,  
32 not to be performed during school hours if the juvenile is attending  
33 school;

34 (b) Restitution limited to the amount of actual loss incurred by  
35 any victim;

36 (c) Attendance at up to ten hours of counseling and/or up to twenty  
37 hours of educational or informational sessions at a community agency.

1 The educational or informational sessions may include sessions relating  
2 to respect for self, others, and authority; victim awareness;  
3 accountability; self-worth; responsibility; work ethics; good  
4 citizenship; literacy; and life skills. If an assessment identifies  
5 mental health needs, a youth may access up to thirty hours of  
6 counseling. The counseling sessions may include services demonstrated  
7 to improve behavioral health and reduce recidivism. For purposes of  
8 this section, "community agency" may also mean a community-based  
9 nonprofit organization, a physician, a counselor, a school, or a  
10 treatment provider, if approved by the diversion unit. The state shall  
11 not be liable for costs resulting from the diversion unit exercising  
12 the option to permit diversion agreements to mandate attendance at up  
13 to thirty hours of counseling and/or up to twenty hours of educational  
14 or informational sessions;

15 (d) A fine, not to exceed one hundred dollars;

16 (e) Requirements to remain during specified hours at home, school,  
17 or work, and restrictions on leaving or entering specified geographical  
18 areas; and

19 (f) Upon request of any victim or witness, requirements to refrain  
20 from any contact with victims or witnesses of offenses committed by the  
21 juvenile.

22 (3) Notwithstanding the provisions of subsection (2) of this  
23 section, youth courts are not limited to the conditions imposed by  
24 subsection (2) of this section in imposing sanctions on juveniles  
25 pursuant to RCW 13.40.630.

26 (4) In assessing periods of community restitution to be performed  
27 and restitution to be paid by a juvenile who has entered into a  
28 diversion agreement, the court officer to whom this task is assigned  
29 shall consult with the juvenile's custodial parent or parents or  
30 guardian. To the extent possible, the court officer shall advise the  
31 victims of the juvenile offender of the diversion process, offer victim  
32 impact letter forms and restitution claim forms, and involve members of  
33 the community. Such members of the community shall meet with the  
34 juvenile and advise the court officer as to the terms of the diversion  
35 agreement and shall supervise the juvenile in carrying out its terms.

36 (5)(a) A diversion agreement may not exceed a period of six months  
37 and may include a period extending beyond the eighteenth birthday of  
38 the divertee.

1 (b) If additional time is necessary for the juvenile to complete  
2 restitution to a victim, the time period limitations of this subsection  
3 may be extended by an additional six months.

4 (c) If the juvenile has not paid the full amount of restitution by  
5 the end of the additional six-month period, then the juvenile shall be  
6 referred to the juvenile court for entry of an order establishing the  
7 amount of restitution still owed to the victim. In this order, the  
8 court shall also determine the terms and conditions of the restitution,  
9 including a payment plan extending up to ten years if the court  
10 determines that the juvenile does not have the means to make full  
11 restitution over a shorter period. For the purposes of this subsection  
12 (5)(c), the juvenile shall remain under the court's jurisdiction for a  
13 maximum term of ten years after the juvenile's eighteenth birthday.  
14 Prior to the expiration of the initial ten-year period, the juvenile  
15 court may extend the judgment for restitution an additional ten years.  
16 The court may relieve the juvenile of the requirement to pay full or  
17 partial restitution if the juvenile reasonably satisfies the court that  
18 he or she does not have the means to make full or partial restitution  
19 and could not reasonably acquire the means to pay the restitution over  
20 a ten-year period. If the court relieves the juvenile of the  
21 requirement to pay full or partial restitution, the court may order an  
22 amount of community restitution that the court deems appropriate. The  
23 county clerk shall make disbursements to victims named in the order.  
24 The restitution to victims named in the order shall be paid prior to  
25 any payment for other penalties or monetary assessments. A juvenile  
26 under obligation to pay restitution may petition the court for  
27 modification of the restitution order.

28 (6) The juvenile shall retain the right to be referred to the court  
29 at any time prior to the signing of the diversion agreement.

30 (7) Divertees and potential divertees shall be afforded due process  
31 in all contacts with a diversion unit regardless of whether the  
32 juveniles are accepted for diversion or whether the diversion program  
33 is successfully completed. Such due process shall include, but not be  
34 limited to, the following:

35 (a) A written diversion agreement shall be executed stating all  
36 conditions in clearly understandable language;

37 (b) Violation of the terms of the agreement shall be the only  
38 grounds for termination;

1 (c) No divertee may be terminated from a diversion program without  
2 being given a court hearing, which hearing shall be preceded by:

3 (i) Written notice of alleged violations of the conditions of the  
4 diversion program; and

5 (ii) Disclosure of all evidence to be offered against the divertee;

6 (d) The hearing shall be conducted by the juvenile court and shall  
7 include:

8 (i) Opportunity to be heard in person and to present evidence;

9 (ii) The right to confront and cross-examine all adverse witnesses;

10 (iii) A written statement by the court as to the evidence relied on  
11 and the reasons for termination, should that be the decision; and

12 (iv) Demonstration by evidence that the divertee has substantially  
13 violated the terms of his or her diversion agreement;

14 (e) The prosecutor may file an information on the offense for which  
15 the divertee was diverted:

16 (i) In juvenile court if the divertee is under eighteen years of  
17 age; or

18 (ii) In superior court or the appropriate court of limited  
19 jurisdiction if the divertee is eighteen years of age or older.

20 (8) The diversion unit shall, subject to available funds, be  
21 responsible for providing interpreters when juveniles need interpreters  
22 to effectively communicate during diversion unit hearings or  
23 negotiations.

24 (9) The diversion unit shall be responsible for advising a divertee  
25 of his or her rights as provided in this chapter.

26 (10) The diversion unit may refer a juvenile to a restorative  
27 justice program, community-based counseling, or treatment programs.

28 (11) The right to counsel shall inure prior to the initial  
29 interview for purposes of advising the juvenile as to whether he or she  
30 desires to participate in the diversion process or to appear in the  
31 juvenile court. The juvenile may be represented by counsel at any  
32 critical stage of the diversion process, including intake interviews  
33 and termination hearings. The juvenile shall be fully advised at the  
34 intake of his or her right to an attorney and of the relevant services  
35 an attorney can provide. For the purpose of this section, intake  
36 interviews mean all interviews regarding the diversion agreement  
37 process.

1 The juvenile shall be advised that a diversion agreement shall  
2 constitute a part of the juvenile's criminal history as defined by RCW  
3 13.40.020(7). A signed acknowledgment of such advisement shall be  
4 obtained from the juvenile, and the document shall be maintained by the  
5 diversion unit together with the diversion agreement, and a copy of  
6 both documents shall be delivered to the prosecutor if requested by the  
7 prosecutor. The supreme court shall promulgate rules setting forth the  
8 content of such advisement in simple language.

9 (12)(a) When a juvenile enters into a diversion agreement, the  
10 juvenile court may receive only the following information for  
11 dispositional purposes:

- 12 ((+a)) (i) The fact that a charge or charges were made;  
13 ((+b)) (ii) The fact that a diversion agreement was entered into;  
14 ((+c)) (iii) The juvenile's obligations under such agreement;  
15 ((+d)) (iv) Whether the alleged offender performed his or her  
16 obligations under such agreement; and  
17 ((+e)) (v) The facts of the alleged offense.

18 (b) Upon notification that the alleged offender has successfully  
19 performed his or her obligations under a diversion agreement, the court  
20 shall enter a written order sealing the official juvenile court file of  
21 the alleged offender.

22 (13) A diversion unit may refuse to enter into a diversion  
23 agreement with a juvenile. When a diversion unit refuses to enter a  
24 diversion agreement with a juvenile, it shall immediately refer such  
25 juvenile to the court for action and shall forward to the court the  
26 criminal complaint and a detailed statement of its reasons for refusing  
27 to enter into a diversion agreement. The diversion unit shall also  
28 immediately refer the case to the prosecuting attorney for action if  
29 such juvenile violates the terms of the diversion agreement.

30 (14) A diversion unit may, in instances where it determines that  
31 the act or omission of an act for which a juvenile has been referred to  
32 it involved no victim, or where it determines that the juvenile  
33 referred to it has no prior criminal history and is alleged to have  
34 committed an illegal act involving no threat of or instance of actual  
35 physical harm and involving not more than fifty dollars in property  
36 loss or damage and that there is no loss outstanding to the person or  
37 firm suffering such damage or loss, counsel and release or release such  
38 a juvenile without entering into a diversion agreement. A diversion

1 unit's authority to counsel and release a juvenile under this  
2 subsection includes the authority to refer the juvenile to community-  
3 based counseling or treatment programs or a restorative justice  
4 program. Any juvenile released under this subsection shall be advised  
5 that the act or omission of any act for which he or she had been  
6 referred shall constitute a part of the juvenile's criminal history as  
7 defined by RCW 13.40.020(7). A signed acknowledgment of such  
8 advisement shall be obtained from the juvenile, and the document shall  
9 be maintained by the unit, and a copy of the document shall be  
10 delivered to the prosecutor if requested by the prosecutor. The  
11 supreme court shall promulgate rules setting forth the content of such  
12 advisement in simple language. A juvenile determined to be eligible by  
13 a diversion unit for release as provided in this subsection shall  
14 retain the same right to counsel and right to have his or her case  
15 referred to the court for formal action as any other juvenile referred  
16 to the unit.

17 (15) A diversion unit may supervise the fulfillment of a diversion  
18 agreement entered into before the juvenile's eighteenth birthday and  
19 which includes a period extending beyond the diverttee's eighteenth  
20 birthday.

21 (16) If a fine required by a diversion agreement cannot reasonably  
22 be paid due to a change of circumstance, the diversion agreement may be  
23 modified at the request of the diverttee and with the concurrence of the  
24 diversion unit to convert an unpaid fine into community restitution.  
25 The modification of the diversion agreement shall be in writing and  
26 signed by the diverttee and the diversion unit. The number of hours of  
27 community restitution in lieu of a monetary penalty shall be converted  
28 at the rate of the prevailing state minimum wage per hour.

29 (17) Fines imposed under this section shall be collected and paid  
30 into the county general fund in accordance with procedures established  
31 by the juvenile court administrator under RCW 13.04.040 and may be used  
32 only for juvenile services. In the expenditure of funds for juvenile  
33 services, there shall be a maintenance of effort whereby counties  
34 exhaust existing resources before using amounts collected under this  
35 section.

36 **Sec. 4.** RCW 13.40.150 and 1998 c 86 s 1 are each amended to read  
37 as follows:

1 (1) In disposition hearings all relevant and material evidence,  
2 including oral and written reports, may be received by the court and  
3 may be relied upon to the extent of its probative value, even though  
4 such evidence may not be admissible in a hearing on the information.  
5 The youth or the youth's counsel and the prosecuting attorney shall be  
6 afforded an opportunity to examine and controvert written reports so  
7 received and to cross-examine individuals making reports when such  
8 individuals are reasonably available, but sources of confidential  
9 information need not be disclosed. The prosecutor and counsel for the  
10 juvenile may submit recommendations for disposition.

11 (2) For purposes of disposition:

12 (a) Violations which are current offenses count as misdemeanors;

13 (b) Violations may not count as part of the offender's criminal  
14 history;

15 (c) In no event may a disposition for a violation include  
16 confinement.

17 (3) Before entering a dispositional order as to a respondent found  
18 to have committed an offense, the court shall hold a disposition  
19 hearing, at which the court shall:

20 (a) Consider the facts supporting the allegations of criminal  
21 conduct by the respondent;

22 (b) Consider information and arguments offered by parties and their  
23 counsel;

24 (c) Consider any predisposition reports;

25 (d) Consult with the respondent's parent, guardian, or custodian on  
26 the appropriateness of dispositional options under consideration and  
27 afford the respondent and the respondent's parent, guardian, or  
28 custodian an opportunity to speak in the respondent's behalf;

29 (e) Allow the victim or a representative of the victim and an  
30 investigative law enforcement officer to speak;

31 (f) Determine the amount of restitution owing to the victim, if  
32 any, or set a hearing for a later date not to exceed one hundred eighty  
33 days from the date of the disposition hearing to determine the amount,  
34 except that the court may continue the hearing beyond the one hundred  
35 eighty days for good cause;

36 (g) Determine the respondent's offender score;

37 (h) Consider whether or not any of the following mitigating factors  
38 exist:

1 (i) The respondent's conduct neither caused nor threatened serious  
2 bodily injury or the respondent did not contemplate that his or her  
3 conduct would cause or threaten serious bodily injury;

4 (ii) The respondent acted under strong and immediate provocation;

5 (iii) The respondent was suffering from a mental or physical  
6 condition that significantly reduced his or her culpability for the  
7 offense though failing to establish a defense;

8 (iv) Prior to his or her detection, the respondent compensated or  
9 made a good faith attempt to compensate the victim for the injury or  
10 loss sustained; and

11 (v) There has been at least one year between the respondent's  
12 current offense and any prior criminal offense;

13 (i) Consider whether or not any of the following aggravating  
14 factors exist:

15 (i) In the commission of the offense, or in flight therefrom, the  
16 respondent inflicted or attempted to inflict serious bodily injury to  
17 another;

18 (ii) The offense was committed in an especially heinous, cruel, or  
19 depraved manner;

20 (iii) The victim or victims were particularly vulnerable;

21 (iv) The respondent has a recent criminal history or has failed to  
22 comply with conditions of a recent dispositional order or diversion  
23 agreement;

24 (v) The current offense included a finding of sexual motivation  
25 pursuant to RCW 13.40.135;

26 (vi) The respondent was the leader of a criminal enterprise  
27 involving several persons;

28 (vii) There are other complaints which have resulted in diversion  
29 or a finding or plea of guilty but which are not included as criminal  
30 history; and

31 (viii) The standard range disposition is clearly too lenient  
32 considering the seriousness of the juvenile's prior adjudications.

33 (4) The following factors may not be considered in determining the  
34 punishment to be imposed:

35 (a) The sex of the respondent;

36 (b) The race or color of the respondent or the respondent's family;

37 (c) The creed or religion of the respondent or the respondent's  
38 family;

1 (d) The economic or social class of the respondent or the  
2 respondent's family; and

3 (e) Factors indicating that the respondent may be or is a dependent  
4 child within the meaning of this chapter.

5 (5) A court may not commit a juvenile to a state institution solely  
6 because of the lack of facilities, including treatment facilities,  
7 existing in the community.

8 (6) Pursuant to RCW 13.50.050 the court shall enter a written order  
9 sealing the official juvenile court file of the respondent if none of  
10 the offenses subject to disposition is:

11 (a) A serious violent offense, as defined in RCW 9.94A.030;

12 (b) A sex offense under chapter 9A.44 RCW;

13 (c) Arson in the first degree or criminal solicitation of or  
14 criminal conspiracy to commit arson in the first degree;

15 (d) Assault of a child in the second degree;

16 (e) Kidnapping in the second degree;

17 (f) Leading organized crime; or

18 (g) Malicious placement of an explosive in the first degree.

19 NEW SECTION. Sec. 5. A new section is added to chapter 2.68 RCW  
20 to read as follows:

21 (1) The administrative office of the courts in the development of  
22 its superior court case management system shall incorporate an  
23 efficient and cost-effective procedure for designating juvenile  
24 offender records as confidential and allowing administrative access to  
25 records that have previously been designated as confidential.  
26 Beginning September 1, 2014, the administrative office of the courts  
27 shall report to the legislature annually regarding the progress in  
28 meeting the directives of this section.

29 (2) This section expires July 1, 2018.

30 **Sec. 6.** RCW 13.50.050 and 2014 c ... s 2 (this act) are each  
31 amended to read as follows:

32 (1) This section governs records relating to the commission of  
33 juvenile offenses, including records relating to diversions.

34 (2) Beginning July 1, 2018, the official juvenile court file of any  
35 alleged or proven juvenile offender shall be ((open to public  
36 inspection, unless sealed pursuant to subsection (12) of this section.

1       ~~(3)~~) confidential unless the juvenile has been adjudicated of a  
2 sex offense under chapter 9A.44 RCW or a serious violent offense as  
3 defined in RCW 9.94A.030. In which case, the official juvenile court  
4 file shall be open to the public in its entirety.

5       (3) Access to the confidential official juvenile court file of any  
6 alleged or proven juvenile offender shall be limited to the court,  
7 prosecuting attorney, the parties and their attorneys, and, only as  
8 provided in subsection (4) of this section, juvenile justice or care  
9 agencies.

10       (4) A juvenile justice or care agency may have access to the  
11 confidential official juvenile court file only when an investigation or  
12 case involving the juvenile in question is being pursued by the  
13 juvenile justice or care agency or when the juvenile justice or care  
14 agency is responsible for supervising the juvenile.

15       (5) Nothing in this section may limit the access by agencies to any  
16 juvenile records for research and data-gathering purposes as provided  
17 in RCW 13.50.010.

18       (6) Upon application of any interested party, after a hearing with  
19 notice to all parties, and for good cause shown, the court may release  
20 individual records and reports, or certain information contained  
21 therein, to the petitioner, limited to the specific purpose expressly  
22 authorized by the court, and upon the court's written finding that:

23       (a) Anyone present when the motion was heard had an opportunity to  
24 address the motion to open the juvenile court file to public  
25 inspection;

26       (b) The court has weighed the competing privacy interests of the  
27 juvenile with the interests identified by petitioners as they apply to  
28 the specific court record, with the presumption in favor of  
29 confidentiality;

30       (c) The court has determined that a compelling reason exists for  
31 such inspection and that the release or disclosure is necessary for the  
32 protection of a compelling public or private interest; and

33       (d) The order of the court is no broader in its application or  
34 duration than necessary to serve its purpose.

35       (7) All records (~~other than~~) retained or produced, which are not  
36 part of the official juvenile court file are confidential and may be  
37 released only as provided in this section, RCW 13.50.010, 13.40.215,  
38 and 4.24.550.

1       (~~(4)~~) (8) Except as otherwise provided in this section and RCW  
2 13.50.010, records retained or produced by any juvenile justice or care  
3 agency may be released to other participants in the juvenile justice or  
4 care system only when an investigation or case involving the juvenile  
5 in question is being pursued by the other participant or when that  
6 other participant is assigned the responsibility for supervising the  
7 juvenile.

8       (~~(5)~~) (9) Except as provided in RCW 4.24.550, information not in  
9 an official juvenile court file concerning a juvenile or a juvenile's  
10 family may be released to the public only when that information could  
11 not reasonably be expected to identify the juvenile or the juvenile's  
12 family.

13       (~~(6)~~) (10) Notwithstanding any other provision of this chapter,  
14 the release, to the juvenile or his or her attorney, of law enforcement  
15 and prosecuting attorneys' records pertaining to investigation,  
16 diversion, and prosecution of juvenile offenses shall be governed by  
17 the rules of discovery and other rules of law applicable in adult  
18 criminal investigations and prosecutions.

19       (~~(7)~~) (11) Upon the decision to arrest or the arrest, law  
20 enforcement and prosecuting attorneys may cooperate with schools in  
21 releasing information to a school pertaining to the investigation,  
22 diversion, and prosecution of a juvenile attending the school. Upon  
23 the decision to arrest or the arrest, incident reports may be released  
24 unless releasing the records would jeopardize the investigation or  
25 prosecution or endanger witnesses. If release of incident reports  
26 would jeopardize the investigation or prosecution or endanger  
27 witnesses, law enforcement and prosecuting attorneys may release  
28 information to the maximum extent possible to assist schools in  
29 protecting other students, staff, and school property.

30       (~~(8)~~) (12) The juvenile court and the prosecutor may set up and  
31 maintain a central recordkeeping system which may receive information  
32 on all alleged juvenile offenders against whom a complaint has been  
33 filed pursuant to RCW 13.40.070 whether or not their cases are  
34 currently pending before the court. The central recordkeeping system  
35 may be computerized. If a complaint has been referred to a diversion  
36 unit, the diversion unit shall promptly report to the juvenile court or  
37 the prosecuting attorney when the juvenile has agreed to diversion. An

1 offense shall not be reported as criminal history in any central  
2 recordkeeping system without notification by the diversion unit of the  
3 date on which the offender agreed to diversion.

4 ~~((+9+))~~ (13) Upon request of the victim of a crime or the victim's  
5 immediate family, the identity of an alleged or proven juvenile  
6 offender alleged or found to have committed a crime against the victim  
7 and the identity of the alleged or proven juvenile offender's parent,  
8 guardian, or custodian and the circumstance of the alleged or proven  
9 crime shall be released to the victim of the crime or the victim's  
10 immediate family.

11 ~~((+10+))~~ (14) Subject to the rules of discovery applicable in adult  
12 criminal prosecutions, the juvenile offense records of an adult  
13 criminal defendant or witness in an adult criminal proceeding shall be  
14 released upon request to prosecution and defense counsel after a charge  
15 has actually been filed. The juvenile offense records of any adult  
16 convicted of a crime and placed under the supervision of the adult  
17 corrections system shall be released upon request to the adult  
18 corrections system.

19 ~~((+11+))~~ (15) In any case in which an information has been filed  
20 pursuant to RCW 13.40.100 or a complaint has been filed with the  
21 prosecutor and referred for diversion pursuant to RCW 13.40.070, the  
22 person the subject of the information or complaint may file a motion  
23 with the court to have the court vacate its order and findings, if any,  
24 and, subject to subsection ~~((+23+))~~ (27) of this section, order the  
25 sealing of the official juvenile court file, the social file, and  
26 records of the court and of any other agency in the case.

27 ~~((+12+))~~ (16)(a) The court shall grant any motion to seal records  
28 for class A offenses made pursuant to subsection ~~((+11+))~~ (15) of this  
29 section if:

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

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

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

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

4 (v) The person has not been convicted of rape in the first degree,  
5 rape in the second degree, or indecent liberties that was actually  
6 committed with forcible compulsion; and

7 (vi) Full restitution has been paid.

8 (b) The court shall grant any motion to seal records for class B,  
9 C, gross misdemeanor and misdemeanor offenses and diversions made under  
10 subsection (~~((11))~~) (15) of this section if:

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

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

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

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

23 (v) Full restitution has been paid.

24 (c) 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 of  
28 age or older at the time of the motion.

29 (d) Notwithstanding the requirements in (a) or (b) of this  
30 subsection, at the disposition hearing of a juvenile offender, the  
31 court shall enter a written order sealing the official juvenile court  
32 file if none of the offenses for which the court has entered a  
33 disposition is:

34 (i) A serious violent offense, as defined in RCW 9.94A.030;

35 (ii) A sex offense under chapter 9A.44 RCW;

36 (iii) Arson in the first degree or criminal solicitation of or  
37 criminal conspiracy to commit arson in the first degree;

38 (iv) Assault of a child in the second degree;

1 (v) Kidnapping in the second degree;

2 (vi) Leading organized crime; or

3 (vii) Malicious placement of an explosive in the first degree.

4 (e) The court shall enter a written order sealing the official  
5 juvenile court file:

6 (i) Upon receipt of notification that the respondent has performed  
7 his or her obligations under a diversion agreement as provided in RCW  
8 13.40.080(12)(a)(iv);

9 (ii) Upon the acquittal after a fact finding or upon dismissal of  
10 charges; or

11 (iii) If the prosecutor does not file charges within seventy-two  
12 hours after a juvenile has been taken into custody pursuant to RCW  
13 13.40.050.

14 (~~(13)~~) (17) The person making a motion pursuant to subsection  
15 (~~(11)~~) (15) of this section shall give reasonable notice of the  
16 motion to the prosecution and to any person or agency whose files are  
17 sought to be sealed.

18 (~~(14)~~) (18)(a) If the court grants the motion to seal made  
19 pursuant to subsection (~~(11)~~) (15) of this section, it shall, subject  
20 to subsection (~~(23)~~) (27) of this section, order sealed the official  
21 juvenile court file, the social file, and other records relating to the  
22 case as are named in the order. Thereafter, the proceedings in the  
23 case shall be treated as if they never occurred, and the subject of the  
24 records may reply accordingly to any inquiry about the events, records  
25 of which are sealed. Any agency shall reply to any inquiry concerning  
26 confidential or sealed records that records are confidential, and no  
27 information can be given about the existence or nonexistence of records  
28 concerning an individual.

29 (b) In the event the subject of the juvenile records receives a  
30 full and unconditional pardon, the proceedings in the matter upon which  
31 the pardon has been granted shall be treated as if they never occurred,  
32 and the subject of the records may reply accordingly to any inquiry  
33 about the events upon which the pardon was received. Any agency shall  
34 reply to any inquiry concerning the records pertaining to the events  
35 for which the subject received a pardon that records are confidential,  
36 and no information can be given about the existence or nonexistence of  
37 records concerning an individual.

1       (~~(15)~~) (19) Inspection of the files and records included in the  
2 order to seal may thereafter be permitted only by order of the court  
3 upon motion made by the person who is the subject of the information or  
4 complaint, except as otherwise provided in RCW 13.50.010(8) and  
5 subsection (~~(23)~~) (27) of this section.

6       (~~(16)~~) (20) Any adjudication of a juvenile offense or a crime  
7 subsequent to sealing has the effect of nullifying a sealing order  
8 issued pursuant to subsection (~~(11)~~) (15) of this section. Any  
9 subsequent adjudication of a juvenile offense described in subsection  
10 (~~(12)~~) (16)(d) of this section has the effect of nullifying sealing  
11 orders issued pursuant to subsection (~~(12)~~) (16)(a), (b), or (d) of  
12 this section. Any charging of an adult felony subsequent to the  
13 sealing has the effect of nullifying the sealing order for the purposes  
14 of chapter 9.94A RCW. The administrative office of the courts shall  
15 ensure that the superior court judicial information system provides  
16 prosecutors access to information on the existence of sealed juvenile  
17 records.

18       (~~(17)~~) (21)(a)(i) Subject to subsection (~~(23)~~) (27) of this  
19 section, all records maintained by any court or law enforcement agency,  
20 including the juvenile court, local law enforcement, the Washington  
21 state patrol, and the prosecutor's office, shall be automatically  
22 destroyed within ninety days of becoming eligible for destruction.  
23 Juvenile records are eligible for destruction when:

24       (A) The person who is the subject of the information or complaint  
25 is at least eighteen years of age;

26       (B) His or her criminal history consists entirely of one diversion  
27 agreement or counsel and release entered on or after June 12, 2008;

28       (C) Two years have elapsed since completion of the agreement or  
29 counsel and release;

30       (D) No proceeding is pending against the person seeking the  
31 conviction of a criminal offense; and

32       (E) There is no restitution owing in the case.

33       (ii) No less than quarterly, the administrative office of the  
34 courts shall provide a report to the juvenile courts of those  
35 individuals whose records may be eligible for destruction. The  
36 juvenile court shall verify eligibility and notify the Washington state  
37 patrol and the appropriate local law enforcement agency and

1 prosecutor's office of the records to be destroyed. The requirement to  
2 destroy records under this subsection is not dependent on a court  
3 hearing or the issuance of a court order to destroy records.

4 (iii) The state and local governments and their officers and  
5 employees are not liable for civil damages for the failure to destroy  
6 records pursuant to this section.

7 (b) All records maintained by any court or law enforcement agency,  
8 including the juvenile court, local law enforcement, the Washington  
9 state patrol, and the prosecutor's office, shall be automatically  
10 destroyed within thirty days of being notified by the governor's office  
11 that the subject of those records received a full and unconditional  
12 pardon by the governor.

13 (c) A person eighteen years of age or older whose criminal history  
14 consists entirely of one diversion agreement or counsel and release  
15 entered prior to June 12, 2008, may request that the court order the  
16 records in his or her case destroyed. The request shall be granted,  
17 subject to subsection ~~((+23+))~~ (27) of this section, if the court finds  
18 that two years have elapsed since completion of the agreement or  
19 counsel and release.

20 (d) A person twenty-three years of age or older whose criminal  
21 history consists of only referrals for diversion may request that the  
22 court order the records in those cases destroyed. The request shall be  
23 granted, subject to subsection ~~((+23+))~~ (27) of this section, if the  
24 court finds that all diversion agreements have been successfully  
25 completed and no proceeding is pending against the person seeking the  
26 conviction of a criminal offense.

27 ~~((+18+))~~ (22) If the court grants the motion to destroy records  
28 made pursuant to subsection ~~((+17+))~~ (21)(c) or (d) of this section, it  
29 shall, subject to subsection ~~((+23+))~~ (27) of this section, order the  
30 official juvenile court file, the social file, and any other records  
31 named in the order to be destroyed.

32 ~~((+19+))~~ (23) The person making the motion pursuant to subsection  
33 ~~((+17+))~~ (21)(c) or (d) of this section shall give reasonable notice of  
34 the motion to the prosecuting attorney and to any agency whose records  
35 are sought to be destroyed.

36 ~~((+20+))~~ (24) Any juvenile to whom the provisions of this section  
37 may apply shall be given written notice of his or her rights under this

1 section at the time of his or her disposition hearing or during the  
2 diversion process.

3 ~~((+21+))~~ (25) Nothing in this section may be construed to prevent  
4 a crime victim or a member of the victim's family from divulging the  
5 identity of the alleged or proven juvenile offender or his or her  
6 family when necessary in a civil proceeding.

7 ~~((+22+))~~ (26) Any juvenile justice or care agency may, subject to  
8 the limitations in subsection ~~((+23+))~~ (27) of this section and (a) and  
9 (b) of this subsection, develop procedures for the routine destruction  
10 of records relating to juvenile offenses and diversions.

11 (a) Records may be routinely destroyed only when the person the  
12 subject of the information or complaint has attained twenty-three years  
13 of age or older or pursuant to subsection ~~((+17+))~~ (21)(a) of this  
14 section.

15 (b) The court may not routinely destroy the official juvenile court  
16 file or recordings or transcripts of any proceedings.

17 ~~((+23+))~~ (27) Except for subsection ~~((+17+))~~ (21)(b) of this  
18 section, no identifying information held by the Washington state patrol  
19 in accordance with chapter 43.43 RCW is subject to destruction or  
20 sealing under this section. For the purposes of this subsection,  
21 identifying information includes photographs, fingerprints, palmprints,  
22 soleprints, toeprints and any other data that identifies a person by  
23 physical characteristics, name, birthdate or address, but does not  
24 include information regarding criminal activity, arrest, charging,  
25 diversion, conviction or other information about a person's treatment  
26 by the criminal justice system or about the person's behavior.

27 ~~((+24+))~~ (28) Information identifying child victims under age  
28 eighteen who are victims of sexual assaults by juvenile offenders is  
29 confidential and not subject to release to the press or public without  
30 the permission of the child victim or the child's legal guardian.  
31 Identifying information includes the child victim's name, addresses,  
32 location, photographs, and in cases in which the child victim is a  
33 relative of the alleged perpetrator, identification of the relationship  
34 between the child and the alleged perpetrator. Information identifying  
35 a child victim of sexual assault may be released to law enforcement,  
36 prosecutors, judges, defense attorneys, or private or governmental  
37 agencies that provide services to the child victim of sexual assault.

1       (29) Confidential juvenile offense records maintained by any court,  
2 law enforcement agency, or state agency, including the juvenile court,  
3 local law enforcement, the Washington state patrol, and the county  
4 prosecutor's offices, may not be published, distributed, or sold.

5       (30) Nothing in this section affects or prevents the use of a  
6 juvenile offender's prior adjudication in later juvenile offender or  
7 adult criminal proceedings.

8       **Sec. 7.** RCW 10.97.050 and 2012 c 125 s 2 are each amended to read  
9 as follows:

10       (1) Adult conviction records may be disseminated without  
11 restriction.

12       (2) No confidential juvenile offense records may be published or  
13 distributed.

14       (3) Any criminal history record information which pertains to an  
15 incident that occurred within the last twelve months for which a person  
16 is currently being processed by the criminal justice system, including  
17 the entire period of correctional supervision extending through final  
18 discharge from parole, when applicable, may be disseminated without  
19 restriction.

20       ~~((3))~~ (4) Criminal history record information which includes  
21 nonconviction data may be disseminated by a criminal justice agency to  
22 another criminal justice agency for any purpose associated with the  
23 administration of criminal justice, or in connection with the  
24 employment of the subject of the record by a criminal justice or  
25 juvenile justice agency. A criminal justice agency may respond to any  
26 inquiry from another criminal justice agency without any obligation to  
27 ascertain the purpose for which the information is to be used by the  
28 agency making the inquiry.

29       ~~((4))~~ (5) Criminal history record information which includes  
30 nonconviction data may be disseminated by a criminal justice agency to  
31 implement a statute, ordinance, executive order, or a court rule,  
32 decision, or order which expressly refers to records of arrest,  
33 charges, or allegations of criminal conduct or other nonconviction data  
34 and authorizes or directs that it be available or accessible for a  
35 specific purpose.

36       ~~((5))~~ (6) Criminal history record information which includes  
37 nonconviction data may be disseminated to individuals and agencies

1 pursuant to a contract with a criminal justice agency to provide  
2 services related to the administration of criminal justice. Such  
3 contract must specifically authorize access to criminal history record  
4 information, but need not specifically state that access to  
5 nonconviction data is included. The agreement must limit the use of  
6 the criminal history record information to stated purposes and insure  
7 the confidentiality and security of the information consistent with  
8 state law and any applicable federal statutes and regulations.

9 ((+6+)) (7) Criminal history record information which includes  
10 nonconviction data may be disseminated to individuals and agencies for  
11 the express purpose of research, evaluative, or statistical activities  
12 pursuant to an agreement with a criminal justice agency. Such  
13 agreement must authorize the access to nonconviction data, limit the  
14 use of that information which identifies specific individuals to  
15 research, evaluative, or statistical purposes, and contain provisions  
16 giving notice to the person or organization to which the records are  
17 disseminated that the use of information obtained therefrom and further  
18 dissemination of such information are subject to the provisions of this  
19 chapter and applicable federal statutes and regulations, which shall be  
20 cited with express reference to the penalties provided for a violation  
21 thereof.

22 ((+7+)) (8) Every criminal justice agency that maintains and  
23 disseminates criminal history record information must maintain  
24 information pertaining to every dissemination of criminal history  
25 record information except a dissemination to the effect that the agency  
26 has no record concerning an individual. Information pertaining to  
27 disseminations shall include:

- 28 (a) An indication of to whom (agency or person) criminal history  
29 record information was disseminated;
- 30 (b) The date on which the information was disseminated;
- 31 (c) The individual to whom the information relates; and
- 32 (d) A brief description of the information disseminated.

33 The information pertaining to dissemination required to be  
34 maintained shall be retained for a period of not less than one year.

35 ((+8+)) (9) In addition to the other provisions in this section  
36 allowing dissemination of criminal history record information, RCW  
37 4.24.550 governs dissemination of information concerning offenders who  
38 commit sex offenses as defined by RCW 9.94A.030. Criminal justice

1 agencies, their employees, and officials shall be immune from civil  
2 liability for dissemination on criminal history record information  
3 concerning sex offenders as provided in RCW 4.24.550.

4 NEW SECTION. **Sec. 8.** (1) RCW 13.50.050 applies prospectively and  
5 retroactively to all existing official juvenile court files of any  
6 alleged or proven juvenile offender.

7 (2) Except for juvenile court files that have been sealed pursuant  
8 to RCW 13.50.050(15), any existing official juvenile court file shall,  
9 upon July 1, 2018, be public if the offender who is the subject of the  
10 file has been adjudicated for arson in the first degree or criminal  
11 solicitation of or criminal conspiracy to commit arson in the first  
12 degree, assault of a child in the second degree, kidnapping in the  
13 second degree, leading organized crime, malicious placement of an  
14 explosion in the first degree, a sex offense, as defined in chapter  
15 9A.44 RCW, or a serious violent offense, as defined in RCW 9.94A.030,  
16 with the adjudication date prior to July 1, 2018.

17 NEW SECTION. **Sec. 9.** This act may be known and cited as the youth  
18 opportunities act.

19 NEW SECTION. **Sec. 10.** Sections 2 through 5 of this act take  
20 effect July 1, 2014.

21 NEW SECTION. **Sec. 11.** Sections 2 through 4 of this act expire  
22 July 1, 2018.

23 NEW SECTION. **Sec. 12.** Sections 6 through 8 of this act take  
24 effect July 1, 2018.

--- END ---