

**December 2, 2011**

**TO:** Joint Legislative Task Force on Juvenile Record Sealing  
**FROM:** Lynne Alfasso, Data Dissemination Administrator  
**RE:** Cost Estimate for Legislative Proposal

The Administrative Office of the Courts (AOC) has prepared an estimate of costs to implement the draft legislative proposal sent out by the Task Force staff on November 15, 2011.

**Estimated Impact of Draft Legislation from the  
Joint Legislative Task Force on Juvenile Record Sealing**

**Draft Summary:**

Section 1 amends RCW 13.40.127 (Deferred Disposition).

Strikes the current requirement that qualifying records of vacated deferred disposition cases are sealed no later than 30 days after the juvenile's 18<sup>th</sup> birthday.

An order sealing a juvenile offender case will be included in an order vacating a conviction pursuant to RCW 13.40.127(9) when the juvenile offender is 18 or older.

When the juvenile offender is under the age of 18 when an order vacating the offender's conviction is entered, the court will schedule an administrative sealing hearing no later than 30 days after the juvenile's 18<sup>th</sup> birthday. The respondent (juvenile offender) is not required to appear at the administrative sealing hearing.

Section 2 amends RCW 13.50.050.

Juvenile offender court files will be confidential and not open to public inspection, except when a juvenile is charged with a serious violent offense as defined by RCW 9.94A.030, or a court has ordered that the file be open to public inspection.

Access to the confidential official juvenile court file is limited to the court, prosecutor, the parties and their attorney, and under certain circumstances to juvenile justice or care agencies.

The court may order a confidential official juvenile court file be open to the public after a hearing with notice to all parties.

Juvenile offense records may not be published, distributed, or sold. This includes files that are open to public access.

Section 3. New.

Section 2 is effective April 1, 2013, and applies retroactively to all existing juvenile court files of any alleged or proven juvenile offender. An existing juvenile court file containing a serious violent offense charged prior to the effective date shall be public.

**Revenue**

Section 2:

It is expected that the Administrative Office of the Court's JIS-Link system will reflect reduced usage since the majority of juvenile offender record information would no longer be disseminated. It is assumed that there are approximately 300,000 transactions for this information annually. The charge assessed for each transaction is \$0.065. Therefore, there would be a loss of revenue to the state of approximately \$19,500 annually.

**Expenditures**

Section 1:

In 2010 there were 477 juvenile offender cases resolved with a deferred disposition that included an order vacating conviction. Of those cases, 289 cases would qualify for the subsequent administrative sealing hearing.

Court input reflects that there would be no significant increase in judicial workload by including an order sealing a file when entering the order vacating conviction. Input also reflects that the administrative sealing hearing could be conducted ex parte, thus minimizing the time and costs on judicial officers, clerks, and staff. Section 1 would have minimal fiscal impact.

Section 2:

There were 18,605 juvenile offender cases filed in 2010 that did not include serious violent offenses. These cases would be indicative of the number of 2010 cases that would not appear in public search results. These cases could be subject to a hearing to open the confidential official juvenile court file.

It is not known how many hearings would be held statewide to address a motion to open confidential official juvenile court files, considering that the motion can be made by any interested party. The length of these hearings will vary. This bill allows those in attendance at a hearing to provide input. Additionally, the court needs sufficient time to consider all of the bill's requirements to open these files.

The fiscal impact of Section 2 is indeterminate but it is assumed to be in excess of \$50,000. Nevertheless, as an example of the potential impact, if it was assumed that 1 percent of these cases (186) would request a motion to open a juvenile court file that would result in a 1-hour hearing, the impact on the superior courts is estimated to be a .16 additional judge with supporting staff, at an annual cost of \$19,435 to the state, and \$92,472 to the counties, not including capital costs.

#### JIS Costs:

Restricting qualifying juvenile offender court records from appearing in the results of a public search requires significant modifications to the Judicial Information System. Juvenile offender cases are initiated in the JIS application to attach a JIS Person Record to a new case so that a complete case history is maintained. The case filing process is completed in the superior court case management application (SCOMIS). Security settings determine the case and Person Record information that displays to a user.

The AOC considered two options to meet the requirements of this bill:

Option 1: This juvenile offender case defaults to “confidential” at the time of filing. An “order” docket code would trigger a change from a confidential case to an open case when there is a qualifying severe violent offense. This would require a business process change. The prosecutor would need to include an order to open the file at the time of filing. Changes to security settings would be required. One new security level exclusively for law enforcement would be created for the application used by the public and justice partners (JIS-Link) searching for court record information. Adding a new security level requires significant changes to all JIS applications.

It is estimated that it will take 955 hours (requirements gathering-60; implementation-600; testing-235; documentation-60) at a one-time cost of \$114,600.

Option 2: JIS would use the law tables to determine whether a juvenile offender case qualified as a confidential or open case at time of filing. This option would require extensive changes to three law tables to add a “flag” to qualifying offenses to trigger that a case is open upon filing. Law table structure changes are significant but not quantifiable, and those costs would be in addition to the data, case filing, and security estimate of \$114,600 for Option 1 above.

#### Section 3.

The information technology changes identified above include a process to convert cases filed prior to the effective date of this bill to confidential cases so that they would not appear in a public search.

If this process is not included, the County Clerks would need to manually seal all juvenile offender cases filed prior to the effective date. The cost for this is indeterminate. However, one County Clerk estimated that one FTE would be required for one year to seal her office’s juvenile offender records. (Caseload filing data reveals approximately 23,300 juvenile offender cases were filed in that office from 1998 to 2010.)