

**CATEGORIZATION OF RECOMMENDATIONS BY THE MEMBERS OF THE JUVENILE RECORD SEALING TASK FORCE
(Summary of Issues)**

CATEGORY	PROPOSAL
SEALING	<p><u>Scope and Timing of Sealing</u></p> <ul style="list-style-type: none"> • Automatically seal all records at a time certain. • Juvenile records will be automatically sealed when a juvenile becomes eligible under RCW 13.50.050. Juvenile records will remain sealed unless and until a juvenile is later convicted of an adult felony, in which case the records will be open to the public. <p><u>Clarity and Consistency</u></p> <ul style="list-style-type: none"> • Statutory sealing provisions must be clear and consistent to promote accuracy throughout the state without additional financial burden to court clerks. • Clarify the statutes so that it is clear what records are being sealed: social file, diversion file, official court file, other? <p><u>Logistics of Sealing</u></p> <ul style="list-style-type: none"> • Automatic sealing provisions should include a court order and should not be an administrative function. • Sealing pursuant to RCW 13.40.127 should be done pursuant to court order. • Require that all juvenile records pertaining to a juvenile be sealed at the time the motion to seal is made. • The more criteria that must be met for the record to be sealed, the more difficult it will be to automate the process. • Fix the current problems and ambiguities with sealing records of vacated deferred dispositions under RCW 13.40.127. The proposed statutory fix would require the court to set a hearing to seal prospectively any vacated deferred disposition and regardless of the pending charges or the defendant's presence. • The process of sealing juvenile records should be clear, simple, and consistent; under the current legal process, many criteria must be met and it is complicated and challenging to navigate.

CATEGORY	PROPOSAL
CONFIDENTIALITY – TOTAL AS CLASS OF RECORDS	<p><u>Scope of Confidentiality</u></p> <ul style="list-style-type: none"> • Juvenile court records should be made a category of records that is confidential to the public like adoption records, involuntary commitment records and dependency/termination/at-risk youth/ truancy records. (Easiest method to implement) • Juvenile offender records are confidential and AOC and the county clerks shall not publish, distribute, sell or otherwise release any juvenile offender court record except as required by law. • The record of any unsealed juvenile adjudication will be available through the WSP until the offender reaches the age of 18 (misdemeanors) or 23 (felonies) and thereafter only to law enforcement or the prosecuting attorney.) Avoid making juvenile court records and hearings confidential, which would be contrary to constitutional mandates (Art. I, sec. 10) as well as emerging case law (<i>Ishikawa</i>).
CONFIDENTIALITY WITH SOME EXCEPTIONS	<p><u>Scope of Confidentiality</u></p> <ul style="list-style-type: none"> • All juvenile court records will be kept confidential unless and until: (a) a juvenile is later convicted of an adult felony or (b) a judge enters an order finding that it is in the best interest of the public and juvenile to open the records, after which, the records will be open to the public. Prosecutors, probation counselors, attorneys, youth and other persons considered “juvenile justice and care agencies” will have access to the confidential juvenile records. Juvenile court hearings would remain open to the public. • All juvenile court records will be kept confidential unless: (a) the subject of the record has reached age 19 and has not been convicted of an adult felony offense; or (b) the record has been sealed. • Amend the categories of records, restricting access to all juvenile records. Records would be accessible by law enforcement and courts if juvenile charged with certain violent or sex crimes. • All official juvenile offender court files are confidential unless: (a) the juvenile is charged with a serious violent offense or (b) the juvenile court has ordered that the official juvenile court file be open to public inspection in whole or in part; access to the confidential juvenile court file is limited to the court, prosecuting attorney, the parties, and their attorneys (except for the provisions allowing access for research purposes, to caseload forecast council, or to entities that have the subject under care or treatment) <p><u>Timing</u></p> <ul style="list-style-type: none"> • All juvenile records will become confidential when a juvenile turns 19. The records will remain confidential unless and until a juvenile is convicted of a felony offense. The juvenile would still be able to seal his/her records under the current provisions of RCW 13.50.050 but would also be able to have his/her record sealed automatically at age 19.

CATEGORY	PROPOSAL
	(Could also be listed under Sealing above).
EXONERATION	Not listed as an option by those responding.
OTHER	<p data-bbox="436 305 638 329"><u>Military Records</u></p> <ul data-bbox="485 337 1314 362" style="list-style-type: none"> <li data-bbox="485 337 1314 362">• Policy regarding checks or requests by military should be clarified. <p data-bbox="436 407 625 431"><u>Scope of Access</u></p> <ul data-bbox="485 440 1793 578" style="list-style-type: none"> <li data-bbox="485 440 1314 464">• Clarify in statute who can use juvenile records for what purpose(s). <li data-bbox="485 472 1793 496">• Records for non-confidential case types that are available at the courthouse should also be available on-line. <li data-bbox="485 505 1566 529">• Restricting online access to public case records will not cause the records to be invisible. <li data-bbox="485 537 1692 561">• No juvenile records may be published, distributed, or sold to any credit reporting bureau of agency. <p data-bbox="436 613 688 638"><u>Non-Conviction Data</u></p> <ul data-bbox="485 651 1549 675" style="list-style-type: none"> <li data-bbox="485 651 1549 675">• Pass the Regala bill (SB 5019) that restricts the distribution of a non-conviction record.