

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5694 SB	Title: Sealing Juvenile Records	Agency: 055 – Admin Office of the Courts (AOC)
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)	575,050		575,050		
State Subtotal	575,050		575,050		
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:	575,050		575,050		

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would amend RCW 13.50.050, deleting language that currently removes juvenile offender cases from public inspection.

The bill would:

- Make all juvenile court files of alleged or proven offenders confidential;
- Prohibit public inspection of court juvenile files;
- Allow release of juvenile court offender records only if (1) authorized in juvenile court records law, (2) an authorized disclosure from a sex offender registry, or (3) a required notice of discharge, release or escape of a juvenile stalker, violent offender, or sex offender.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1(2) – Would amend RCW 13.50.050 to remove that the official juvenile file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to RCW 13.50.260. All records including the official juvenile court file would be confidential.

This bill would require significant modification to existing Judicial Information Systems (JIS) and sub-systems currently in use, as well as under development, by the courts. The bill would make all juvenile court files confidential, but provides for many exceptions. It is unclear how some of these exceptions would be managed, either through automated or manual processes. Existing systems would require extensive modification to manage security, confidentiality, and data dissemination. Extensive testing would be required before modifications could be deployed for use.

The bill does not indicate whether the required changes would be retroactive. For purposes of this analysis, the Administrative Office of the Courts (AOC) assumes the changes would include modifications that would affect records retroactive to the effective date of the bill.

The bill has no effective date, so it is assumed the bill would be effective July 1, 2017. The AOC cannot implement the effects of this bill by that date.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

This bill would require modifications to the Judicial Information System (JIS) and the new Odyssey system (currently under implementation). These modifications are estimated to take 10,850 hours of AOC staff time, which equates to a one-time cost of \$575,050. Assumptions for each bill section are summarized below.

Section 1(2) of this bill would delete language that currently removes juvenile offender cases from public inspection. All records including the official juvenile court file would be confidential, with the exception of cases related to RCW 13.40.215¹ and RCW 4.24.550².

JIS IMPACT

- JIS, SCOMIS and JABS Security will need to be changed to make S8 (juvenile offender) cases confidential similar to S3-S7 (domestic, adoption, dependency) cases.
- This change will remove the existence of S8 cases from JIS-Link and the future JABS-Link/Public View systems, both of which currently use JIS Security.
- Exceptions will be required for JIS Security for violent, sex, stalking and kidnapping offenses. This is the most significant impact, as confidential case types are currently implemented as “on” or “off”. To create exceptions as required by this bill, an automated method will be required to identify the exceptions or cases that need to be confidential and ones that are not.
- Clarification is required to implement when these cases are confidential and under what circumstances. For instance, cases could become confidential at filing or sometime throughout the life of the case. A decision on the treatment of cases that include confidential and public records would be required.
- The AOC assumes that most if not all scenarios will need to be automated in order to prevent public view of confidential information. Again this will be difficult due to the many exceptions allowed.

Section 1(3) would require that records retained and produced by any juvenile justice or care agency may be released when an investigation of a case involving a juvenile is being pursued by another participant or when that participant is assigned the responsibility for supervising the juvenile.

JIS IMPACT

- JIS Security would need to be modified to ensure that an exception is made to allow JIS-Link/JABS-Link access to S8 confidential being investigated or supervised. Not only does this allow for a charge exception, it will also create exceptions based on case participant.
- Security Levels 20, 22 and 25 will need to be changed based on party types

Section 1(5) would allow discovery information between defense attorneys, prosecuting attorneys and law enforcement agency records applicable to investigations and prosecutions.

JIS IMPACT

- It is unclear whether law enforcement agencies will be identified as a party to the case in order to have access to records.

Section 1(6) would provide that upon arrest, law enforcement agencies and prosecuting attorneys may release information to schools regarding investigation, diversion, and prosecutions.

JIS IMPACT

- It is unclear whether this will be required to be automated, or information shared manually (or some other method) from the law enforcement agency and prosecutor's

¹ DSHS exception to confidentiality – DSHS shall send written notice of discharge, parole, authorized leave or release for a juvenile that has committed a violent offense, a sex offense, or stalking to the chief of police, sheriff, school and school board, victim of the offense and their family, witnesses who testified, and any person specified by the prosecuting attorney.

² Authorizes public agencies to release information to the public regarding sex offenders and kidnapping offenders.

office. If an automated solution is required, the JCS School report will need to be modified or a new report and process created. This cannot be automated upon arrest or investigation based on existing system data.

Section 1(9) would require that juvenile offender records may be released upon request of the prosecutor and defense counsel for adult criminal cases upon filing. If convicted of the adult criminal case, juvenile offender records may be released by adult corrections.

JIS IMPACT

- It is unclear what the impact will be on security levels and case types and access for corrections and other entities (such as county clerks, public defenders, city attorneys, prosecutors, etc.). The AOC assumes separate and specific security levels will be required.

Section 1(11) would provide that the victim or family member may divulge the identity of the alleged or convicted person for purposes of a civil case.

JIS IMPACT

- There would be no JIS impact unless a new civil cause code is created restrict the public from attending for juvenile civil-type cases.

Section 1(13) would require that information identifying sexual assault victims is confidential and may not be released to the press or public without the permission of the child victim or their legal guardian. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

JIS IMPACT

Security changes would be required to allow exceptions for sexual assault victims when permission is granted by the victim and/or their legal guardian. JIS Link security would need to be changed to provide access based on participant type of victim for various security levels to agencies that provide services to victims.

Additional Information Technology Impacts

Web and JAVA maintenance will be required. This will include, but is not limited to JABS, JIS Link user interfaces, and data exchange with the Washington State Patrol (WSP). It is unclear how a change to a case confidentiality status would impact systems, and the WSP systems do not include case redaction capability. Required modifications could be significant.

System testing would be required. Requirements are unclear due to the complexity of exceptions defined in the bill, and many systems would be impacted. Many applications would require modification and testing requirements would need to be developed based on the definition of requirements and processes. Testing hours could be significant.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services	575,050		575,050		

G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:	575,050		575,050		

III.B – Detail:

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.