

JUDICIAL IMPACT FISCAL NOTE

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| Bill Number: 5182 2SSB | Title: Juvenile Record Sealing | Agency: 055 – Administrative Office of the Courts (AOC) |
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

| | FY 2020 | FY 2021 | 2019-21 | 2021-23 | 2023-25 |
|---------------|---------|---------|---------|---------|---------|
| | | | | | |
| | | | | | |
| Total: | | | | | |

Estimated Expenditures from:

| STATE | FY 2020 | FY 2021 | 2019-21 | 2021-23 | 2023-25 |
|--------------------------------------|---------|---------|---------|---------|---------|
| FTE – Staff Years | | | | | |
| Account | | | | | |
| General Fund – State (001-1) | | | | | |
| State Subtotal | | | | | |
| 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: | | | | | |

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.

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| Legislative Contact: | Phone: | Date: |
| Agency Preparation: Pam Kelly | Phone: 360-705-5318 | Date: 2/14/2020 |
| Agency Approval: Ramsey Radwan | Phone: 360-357-2406 | Date: |
| OFM Review: | Phone: | Date: |

Part II: Narrative Explanation

This bill would address the sealing of juvenile court records. The bill would eliminate the requirement that the juvenile be present at any administrative sealing hearing. The bill would eliminate the opportunity to object to the sealing of the juvenile record which would result in the elimination of contested hearings on the issue of objection.

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

Section 1(1)(a) – Would eliminate the opportunity for individuals to object to the sealing of a juvenile court record which would eliminate the need for contested hearing on the issue of objection.

Section 1(1)(c) - Would not allow an administrative sealing of the juvenile record if the offense was a serious offense as defined in RCW 9.94A.030, a sex offense under 9A.44 or a drug offense as defined in RCW 9.94A.030.

Section 1(1)(d) - Would require the court to order the sealing of the juvenile court record if the respondent is no longer on supervision for the case being considered for sealing and completed restitution payment to the victim excluding money owed for public or private health insurance coverage.

Section 1(1)(e) – Would require the case to continue if the respondent was found to be still under supervision for the court record scheduled for sealing.

Section 1(1)(f)(i) – Would address when the respondent is no longer under supervision of the court but has not made full restitution to the victim. The court's written denial for sealing the juvenile court record must include (A) the amount of restitution that remains unpaid to the victim and (B) provide direction to the respondent on how to pursue the sealing of records associated with the cause of action.

Section 1(1)(f)(ii) - This section would put time limits on the clerk of the court to contact the respondent when there is denial to seal court records.

Section 1(1)(f)(iii) – Would, upon verification of the satisfaction of the restitution payment, the allow the juvenile court department staff to circulate for signature an order sealing the file, and file the signed order with the clerk's office, who would then seal the record.

Section 1(1)(f)(iv) – Would require the Administrative Office of the Courts to ensure that sealed juvenile records remain private and it takes the necessary steps to avoid exposing sealed juvenile records to the public.

Section 1(8) – Would allow the unsealing of a juvenile record if a person is convicted of a felony in adult court after the juvenile records have been sealed. The prosecutor may file a motion with the court with service on the defendant and defendant's counsel asking that the sealing order be vacated.

Section 1(12) – Would require any criminal justice agency to not disclose confidential information or sealed records accessed through the Washington State Identification System to third parties other than Washington State criminal justice agencies.

Section 2 – Would apply to all sealing hearings commenced on or after the date of legislation is enacted.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate, but expected to be minimal. There would be a need for court clerk education and pattern form revision. These impacts would be managed within existing resources.