

State v. Derek Jeter and Cofield Division II (10/24/17)

WORSWICK, J. — Elijah Isaiah Cofield and Derek Matthew Jeter are juvenile offenders. In accordance with RCW 13.50.260, the juvenile court set an administrative record-sealing hearing. At the hearing, the State argued that neither Cofield nor Jeter was eligible for record sealing because they had not completed the terms and conditions of their dispositions. The juvenile court commissioner did not seal either Cofield’s or Jeter’s juvenile court records and did not set contested record-sealing hearings. Cofield and Jeter filed motions to revise the commissioner’s rulings, arguing that they were entitled to contested hearings. A superior court judge denied the motions to revise.

We hold that the plain language of RCW 13.50.260(1)¹ requires that a juvenile offender receive a contested record-sealing hearing when the juvenile court receives any objection to his record being sealed at the administrative record-sealing hearing. Accordingly, we reverse the superior court’s orders denying Cofield’s and Jeter’s motions to revise and remand to the juvenile court for contested record-sealing hearings.

RCW 13.50.260(1) provides:

(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual’s juvenile record pursuant to the requirements of this subsection unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court *shall* set a contested hearing to be conducted on the record to address sealing. . . . The contested hearing shall be set no sooner than eighteen seal.” If the juvenile court receives an objection or notes a compelling reason not to seal a juvenile offender’s record, the statute provides that “the court *shall* set a contested hearing to be conducted on the record to address sealing.” RCW 13.50.260(1)(a) (emphasis added).