



# Get misdemeanor convictions off your criminal record

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❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

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## What is new?

Washington State's **New Hope Act** took effect July 28, 2019. This law makes it easier to vacate some criminal convictions that happened in Washington state. You can now vacate more types of misdemeanor convictions. You can also now have multiple misdemeanors vacated all at once, or at different times. This law and the required court forms were updated in 2022.

## What does it mean to “vacate” convictions?

This is the legal term for removing criminal convictions from your criminal record. It gives you **some** protection in background checks.

## Why would I do this?

It will:

- Give you some protection in background checks.
- Stop the State Patrol from releasing the record to the public.
- Officially “cancel” the convictions. **You can then tell anyone, including someone who might hire you or rent you a place to live, that you were not convicted of those offenses** Read more about sealing records and canceling (or “vacating”) convictions at [GR 15\(b\) \(8\)](#).

## Do the convictions completely disappear from my record?

No.

- They will still be in court records and computerized court indexes to court records. If a conviction was a domestic violence case, these records and indexes will still show the case type.

- **Information** about the court records **from the cases** that led to the convictions are still public. You can still find them on [courts.wa.gov](https://courts.wa.gov).
- Prosecutors can still use evidence of vacated convictions in a **later criminal prosecution**. They can still use them in a **sexually violent predator commitment proceeding**.
- **FBI records and private background check records** may still have information about the convictions.

## Could an employer or landlord still find out about my convictions?

Maybe. See the previous section.

## Can I have my convictions “expunged”?

In some states, this means they delete convictions from your records. This is not an option in Washington.

You can ask Washington State Patrol to delete **non-conviction data**. In Washington, not much is non-conviction data. Read more about conviction and non-conviction data at [RCW 10.97.030](https://rcw.wa.gov/rcw.aspx?cite=10.97.030).

## Do I need to go to a hearing?

Maybe not. The prosecutor might agree to a vacate order, if you meet all the requirements. Ask the county prosecutor’s office where your convictions happened if they will agree to a vacate order.

## Are there misdemeanors I cannot get off my record?

Yes. Courts will **not** vacate these:

- Sex offenses ([RCW 9A.44](https://rcw.wa.gov/rcw.aspx?cite=9A.44)). There is one exception. You **can** vacate a conviction for failing to register as a sex offender
- Convictions involving obscenity and pornography ([RCW 9.68](https://rcw.wa.gov/rcw.aspx?cite=9.68))
- Convictions involving sexual exploitation of children ([RCW 9.68A](https://rcw.wa.gov/rcw.aspx?cite=9.68A))
- Violent offenses or attempts to commit violent offenses ([RCW 9.94A.030](https://rcw.wa.gov/rcw.aspx?cite=9.94A.030))

## Are there special requirements for vacating misdemeanors?

Yes. In general:

- You can not have a conviction record cleared if there are any criminal charges against you pending in any court in Washington, in another state, or in any federal or tribal court.
- You must have completed the terms of your sentence for the offense. At least 3 years must have passed since you completed the terms of the sentence, including any financial obligations.
- You must not have been convicted of a new crime in Washington, another state, or federal or tribal court in the three years prior to your application to vacate.
- You must not have a current domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order against you. You also can't have any violations of such orders during the 5 years prior to your application to vacate.
- Different types of misdemeanors may have additional requirements. Keep reading.

## Can I vacate DUI misdemeanors?

No.

## When can I vacate domestic violence misdemeanors?

You must do all of these:

- Notify the prosecuting attorney's office that prosecuted you that you are filing to vacate these convictions.
- Not have 2 or more domestic violence convictions from different incidents
- Wait at least 5 years since you completed the sentences. This includes any treatment ordered.

## When can I vacate misdemeanors for cannabis (marijuana) use?

There is only one requirement. You must have been at least 21 years old at the time of the offense. Use our [Vacate a Cannabis \(Marijuana\) Misdemeanor Conviction](#) packet. The [Vacate a Cannabis \(Marijuana\) Misdemeanor packet](#) also has instructions for vacating hearings that could be helpful to you even if your conviction is not related to cannabis.

## Can I vacate prostitution convictions?

Yes, if all these are true:

- You can prove by a preponderance of evidence that you were a victim of trafficking. You must prove that the offense you want to have vacated was a result of being trafficked.
- You have no other pending criminal charges anywhere for any crimes besides prostitution.
- If the conviction you want vacated is a misdemeanor, then you must not have been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to your application to vacate. This might be hard to do on your own. Get help from a lawyer.

## I am a member of an Indian tribe in Washington State. My conviction was for trying to exercise my tribal fishing rights.

You can have the conviction vacated if you are a member of a tribe that has treaty Indian fishing rights at the location where the offense occurred. Contact the Native American Unit of the Northwest Justice Project for more help. You can use the phone numbers listed at the bottom of this document to reach the Native American Unit.

## I don't need one of the special packets listed above. What forms should I use?

You can use the Petition and Declaration for Order Vacating Conviction (PT) and proposed Order form at the end of this packet. You can also learn more about getting ready for a vacating records hearing by reviewing the [Vacate a Cannabis Misdemeanor Packet](#).

## Where can I learn more?

The **Washington State Courts Website**, [courts.wa.gov](https://courts.wa.gov), has a statewide directory of courts, with addresses and numbers. It also has legal information and forms, including:

- [Forms to seal Juvenile Court Records](#)
- [Forms for petitioning for a Certificate and Order of Discharge](#)
- [Legal Financial Obligation forms](#)

## Get Legal Help

- **Apply online** with [CLEAR\\*Online](https://nwjustice.org/apply-online) - [nwjustice.org/apply-online](https://nwjustice.org/apply-online)
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](https://nwjustice.org/apply-online).
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111.

**Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

**Interpreters provided.**

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\_\_\_\_\_ Court of Washington  
County of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff  
vs.  
\_\_\_\_\_  
Defendant

No.  
**Petition and Declaration  
for Order Vacating Conviction  
(PT)**

**Petition and Declaration for Order Vacating Conviction**

**I. Petition**

1. Defendant asks the court for an order vacating defendant's conviction(s) of misdemeanor or gross misdemeanor offenses. This petition is based on RCW 9.96.060 and RCW 9.96.080, the case record and files, and the declaration of defendant.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant/Defendant's Attorney, WSBA #

\_\_\_\_\_  
Print Name

**II. Declaration of Defendant**

2. I, (name) \_\_\_\_\_, state as follows:

On (date) \_\_\_\_\_ I was convicted of the following offense(s):

Count No: \_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_ Offense: \_\_\_\_\_

**Offense Committed as a Victim of Certain Crimes**

3. [ ] **Conviction as Victim.** The offense for which I was convicted was a misdemeanor or gross misdemeanor, and the conviction was a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, and all of the following are true:

- I am providing to the sentencing court or the sentencing court’s successor, my statement of the specific facts and circumstances below that prove by a preponderance of the evidence that the offense was committed as a result of being a victim of one of the above offenses:

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[ ] See attached.

- I have no criminal charges pending in any court of this or another state, or in any federal court for any crime other than prostitution.
- The offense for which I was convicted was a misdemeanor, and I have not been convicted of a new crime in this state, another state, or tribal court in the 3 years prior to date of the filing of this petition. RCW 9.96.060(2)(h).
- I have provided proof that the crime victim penalty assessment (RCW 7.68.035) has been paid in full, except where the conviction being vacated is for the crime of prostitution, prostitution loitering, or stay out of the area of prostitution.
- Restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.
- The offense was not any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9A.44 RCW (sex offense), except for failure to register as a sex offender under RCW 9A.44.132.
- The offense was not a conviction as described in RCW 46.61.5055.
- The offense was not patronizing a prostitute as described in RCW 9A.88.110.

**Other Misdemeanor and Gross Misdemeanor Offenses**

4. **Excluded Offenses:** I cannot vacate a conviction for the following offenses. RCW 9.96.060(2)(c)-(e):
  - A violation of chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132.
  - A violation of chapter 9.68 RCW (obscenity and pornography).
  - A violation of chapter 9.68A RCW (sexual exploitation of children).
  - A violent offense as defined in RCW 9.94A.030, or an attempt to commit a violent offense.
  - Driving while under the influence (“DUI”) (RCW 46.61.502).
  - Actual physical control while under the influence (RCW 46.61.504).
  - Operating a railroad, etc., while intoxicated (RCW 9.91.020).
5. [ ] **Prior Offense:** The offense for which I was convicted is considered a “prior offense” under RCW 46.61.5055 (see below), and all of the following are true:
  - The prior offense is not a DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504). RCW 9.96.060(2)(d).

- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
- At least 3 years have passed since I completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- I have not had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense. RCW 9.96.060(2)(d).
- More than 10 years have passed since the date of the arrest for the prior offense. RCW 9.96.060(2)(d).
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition. RCW 9.96.060(2)(b).
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

A “prior offense” means (RCW 46.61.5055(14)):

**Original Convictions**, including equivalent local ordinances, for:

- Driving Under the Influence (DUI) (RCW 46.61.502) or an equivalent out-of-state conviction.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504) or an equivalent out-of-state conviction.
- Commercial Vehicle DUI/Physical Control (RCW 46.25.110).
- Watercraft DUI (RCW 79A.60.040(2)).
- Aircraft DUI (RCW 47.68.220).
- Nonhighway vehicle DUI (RCW 46.09.470(2)).
- Snowmobile DUI (RCW 46.10.490(2)).

**Amended Convictions:**

- **Originally charged with** DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); **but convicted of** Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), or Reckless Endangerment (RCW 9A.36.050) or an equivalent local ordinance. This section also applies for equivalent out-of-state convictions.
- **Originally charged with** Watercraft DUI (RCW 79A.60.040(2)) or an equivalent local ordinance, **but convicted of** Operating a Watercraft in a reckless manner (RCW 79A.60.040(1)) or an equivalent local ordinance.
- **Originally charged with** Aircraft DUI (RCW 47.68.220) or an equivalent local ordinance, **but convicted of** Operating an Aircraft in a careless or reckless manner (RCW 47.68.220) or an equivalent local ordinance.

**Deferred Prosecution Granted for:**

- Driving Under the Influence (DUI) (RCW 46.61.502), including local and out-of-state equivalents.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504), including local and out-of-state equivalents.



- Negligent Driving 1st (RCW 46.61.5249) or equivalent local ordinance if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI (RCW 46.61.502) or (Physical Control) (RCW 46.61.504), or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522).
- An equivalent out-of-state deferred prosecution for DUI or Physical Control, including a substance use disorder treatment program. (RCW 46.61.5055(14)(a)(xvi)).

**Deferred Sentences for:**

Originally charged with DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); but deferred sentence was imposed for Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or an equivalent local ordinance.

6.  **Domestic Violence:** The offense for which I was convicted involves domestic violence and I have complied with the following conditions (RCW 9.96.060(2)(f)) and all the following statements are true:

- I provided the prosecuting attorney's office that prosecuted the offense with written notice of this petition. RCW 9.96.060(2)(f)(i).
- I filed the original notice with this court. RCW 9.96.060(2)(f)(i).
- I have not been convicted of 2 or more domestic violence offenses stemming from different incidents. RCW 9.96.060(2)(f)(ii).
- I have never signed an affidavit under penalty of perjury affirming that I have not previously had a conviction for a domestic violence offense, and a criminal history check reveals that I have had such a conviction, RCW 9.96.060(2)(f)(iii);
- It has been at least 5 years since I completed the terms and conditions of the sentence, including restitution/legal financial obligations and successful completion of any treatment ordered. RCW 9.96.060(2)(f)(iv).
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition. RCW 9.96.060(2)(b).
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

7.  **Offenses not otherwise specified above,** and all the following statements are true:

- At least 3 years have passed since I completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition.

RCW 9.96.060(2)(b).

- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed one or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

I declare under penalty of perjury under the laws of the state of Washington that the foregoing and any attachments are, to the best of my knowledge, true and correct.

Signed at (*city or county*) \_\_\_\_\_, Washington on (*date*) \_\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Print Name

Mailing Address, unless confidential:

\_\_\_\_\_  
*Street Address or PO Box* *City* *State* *Zip*

\_\_\_\_\_ Court of Washington, County/City of \_\_\_\_\_

\_\_\_\_\_  
vs. Plaintiff  
\_\_\_\_\_  
Defendant

No.

**Order on Petition Re: Vacating Conviction**

**Granted** (in full or in part) (ORVCJG)

**Denied** (ORVCJD)

**Clerk's action required:**  8

### Order on Petition Re: Vacating Conviction

#### I. Basis

1. This matter comes before the court on the defendant's petition for an order vacating misdemeanor or gross misdemeanor conviction(s) under RCW 9.96.060 and RCW 9.96.080. The court heard the arguments of the parties and considered the case records, files, and pleadings submitted on the matter.

#### II. Findings

2. Adequate notice  was  was not given to the appropriate parties and agencies.

#### Offense Committed as a Victim of Certain Crimes

3.  **Conviction as Victim.** The offense for which the defendant was convicted was a misdemeanor or gross misdemeanor, and the conviction was a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, and the following are true:
  - The defendant provided to the sentencing court or the sentencing court's successor, the defendant's statement of the specific facts and circumstances that prove by a preponderance of the evidence that the offense was committed as a result of being a victim of one of the above offenses by affidavit.
  - The defendant has no criminal charges pending in any court of this state or another state, or in any federal court for any crime other than prostitution.
  - The offense for which the defendant was convicted was a misdemeanor, and the defendant has not been convicted of a new crime in this state, another state, or tribal court in the 3 years prior to date of the filing of this petition.
  - The defendant provided proof that the crime victim penalty assessment (RCW 7.68.035) has been paid in full, except where the conviction being vacated is for

the crime of prostitution, prostitution loitering, or stay out of the area of prostitution.

- Restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full by the defendant.
- The offense was not any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9A.44 RCW (sex offense), except for failure to register as a sex offender under RCW 9A.44.132.
- The offense was not a conviction as described in RCW 46.61.5055.
- The offense was not patronizing a prostitute as described in RCW 9A.88.110.

#### **Other Misdemeanor and Gross Misdemeanor Offenses**

4.  **Excluded Offenses:** The defendant is ineligible to vacate the offense because it is one of the following offenses below.

RCW 9.96.060(2)(c)-(e):

- A violation of chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132.
- A violation of chapter 9.68 RCW (obscenity and pornography).
- A violation of chapter 9.68A RCW (sexual exploitation of children).
- A violent offense as defined in RCW 9.94A.030, or an attempt to commit a violent offense.
- Driving while under the influence (“DUI”) (RCW 46.61.502).
- Actual physical control while under the influence (RCW 46.61.504).
- Operating a railroad, etc. while intoxicated (RCW 9.91.020).

5.  **Prior Offense:** The offense for which the defendant was convicted is considered a “prior offense” under RCW 46.61.5055 (see below), and the following are true:

- The prior offense is not a DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504). RCW 9.96.060(2)(d).
- The defendant has not been convicted of any new crimes in this state, another state, or federal or tribal court in the 3 years prior to the vacation application. RCW 9.96.060(2)(h).
- At least 3 years have passed since the defendant completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- The defendant has not had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense. RCW 9.96.060(2)(d).
- More than 10 years has elapsed since the date of the arrest for the prior offense. RCW 9.96.060(2)(d).
- There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).
- The defendant is not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. The defendant was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

A "prior offense" means (RCW 46.61.5055(14)):

**Original Convictions**, including equivalent local ordinances, for:

- Driving Under the Influence (DUI) (RCW 46.61.502) or an equivalent out-of-state conviction.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504) or an equivalent out-of-state conviction.
- Commercial Vehicle DUI/Physical Control (RCW 46.25.110).
- Watercraft DUI (RCW 79A.60.040(2)).
- Aircraft DUI (RCW 47.68.220).
- Nonhighway vehicle DUI (RCW 46.09.470(2)).
- Snowmobile DUI (RCW 46.10.490(2)).

**Amended Convictions:**

- **Originally charged with** DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522), **but convicted of** Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), or Reckless Endangerment (RCW 9A.36.050) or an equivalent local ordinance. This section also applies for equivalent out-of-state convictions.
- **Originally charged with** Watercraft DUI (RCW 79A.60.040(2)) or an equivalent local ordinance, **but convicted of** Operating a Watercraft in a reckless manner (RCW 79A.60.040(1)) or an equivalent local ordinance.
- **Originally charged with** Aircraft DUI (RCW 47.68.220) or an equivalent local ordinance, **but convicted of** Operating an Aircraft in a careless or reckless manner (RCW 47.68.220) or an equivalent local ordinance.

**Deferred Prosecution Granted for:**

- Driving Under the Influence (DUI) (RCW 46.61.502), including local and out-of-state equivalents.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504), including local and out-of-state equivalents.
- Negligent Driving 1st (RCW 46.61.5249) or equivalent local ordinance if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI (RCW 46.61.502) or (Physical Control) (RCW 46.61.504), or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522).
- An equivalent out-of-state deferred prosecution for DUI or Physical Control, including a substance use disorder treatment program. (RCW 46.61.5055(14)(a)(xvi)).

**Deferred Sentences for:**

Originally charged with DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522), but deferred sentence was imposed for Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or an equivalent local ordinance.

6. [ ] **Domestic Violence:** The offense for which the defendant was convicted does involve domestic violence and the defendant complied with the following conditions (RCW 9.96.060(2)(f)) and the following are true:

- The defendant provided the prosecuting attorney's office that prosecuted the offense with written notice of defendant's petition. RCW 9.96.060(2)(f)(i).
- The defendant filed the original notice with this court. RCW 9.96.060(2)(f)(i).
- The defendant has not been convicted of 2 or more domestic violence offenses stemming from different incidents. RCW 9.96.060(2)(f)(ii).
- The defendant has never signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction. RCW 9.96.060(2)(f)(iii).
- It has been at least 5 years since the defendant completed the terms and conditions of the sentence, including restitution/legal financial obligations and successful completion of any treatment ordered. RCW 9.96.060(2)(f)(iv).
- The defendant has not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application.
- There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).
- The defendant is not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. The defendant was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

7.  **Offenses not otherwise specified above, and the following are true:**

- At least 3 years have passed since the defendant completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- The defendant has not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to the vacation application. RCW 9.96.060(2)(h).
- There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).
- The defendant is not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. The defendant was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

**III. Order**

8. Based on the above findings, it is ordered:

The petition for order vacating conviction records of the following offense(s) is/are granted.

Count No: \_\_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_\_ Offense: \_\_\_\_\_

IT IS ORDERED FURTHER that:

The defendant's guilty plea(s) for the offense(s) is/are withdrawn and a not guilty plea is entered, or the guilty verdict for the offense(s) is/are set aside. The charging document is dismissed and the judgment and sentence is vacated for the offense(s)

listed above.

The defendant shall be released from all penalties and disabilities resulting from the offense(s) listed above. For all purposes, including responding to questions on employment or housing applications, the defendant may state that they have never been convicted of that offense.

However, this order does not affect the requirements for restoring the right to possess a firearm under RCW 9.41.040.

The fact that the defendant has been convicted of the offense shall not be included in defendant's criminal history for purposes of determining a sentence in any subsequent conviction, except that a vacated conviction qualifies as a prior conviction for the purpose of charging a later recidivist offense as defined in RCW 9.94A.030. A vacated conviction may be used for other purposes in a later criminal prosecution with the following exception: when a court vacates a record of domestic violence as defined in RCW 10.99.020, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) violating the provisions of a restraining order, a no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; (ii) stalking; or (iii) domestic violence protection order or vulnerable adult protection order. RCW 9.96.060.

A vacated conviction for domestic violence is not considered a conviction of such an offense for the purposes of 27 C.F.R. § 478.11, regarding reinstatement of firearms or explosives rights.

The clerk of the court shall immediately transmit a certified copy of this order to the Washington State Patrol and to (local law enforcement agency) \_\_\_\_\_ which agencies shall immediately update their records to reflect the vacation of the conviction of the offense listed in this section. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation (FBI). The Washington State Patrol and local law enforcement agency may not disseminate or disclose a conviction that has been vacated under RCW 9.96.060 to any person, except to other criminal justice enforcement agencies. RCW 9.96.060(8).

9. [ ] The petition for order vacating conviction records of the following offense(s) is/are denied.

Count No: \_\_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_\_ Offense: \_\_\_\_\_

Dated: \_\_\_\_\_

Submitted by: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Approved: \_\_\_\_\_

\_\_\_\_\_  
Defendant/Attorney for Defendant/WSBA #

\_\_\_\_\_  
Deputy Prosecuting Attorney/WSBA #

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name