

5323

Sponsor(s): Senators Kline, Constantine, Hargrove and Thibaudeau

Brief Description: Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses.

**SB 5323 - DIGEST**

(SEE ALSO PROPOSED 1ST SUB)

Provides that every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense and for an order sealing the record.

Declares that an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present: (1) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(2) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(3) the offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), or 9.91.020 (operating a railroad, etc. while intoxicated);

(4) the offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography) or chapter 9.68A RCW (sexual exploitation of children); or

(5) less than three years have passed since the person completed the terms of the sentence, including any financial obligations.