
Public Safety Committee

HB 1088

Brief Description: Allowing for more than one vacation of a misdemeanor and gross misdemeanor conviction.

Sponsors: Representatives Appleton, Ormsby and Jinkins.

Brief Summary of Bill

- Allows a person to apply to vacate a gross misdemeanor or misdemeanor conviction even if he or she has been convicted of a subsequent gross misdemeanor or misdemeanor as long as it has been more than three years since those subsequent convictions occurred.
- Allows a person to apply to vacate up to four misdemeanor or gross misdemeanor convictions.
- Allows for vacation of more than one misdemeanor or gross misdemeanor conviction at one time.

Hearing Date: 1/23/17

Staff: Kelly Leonard (786-7147).

Background:

Vacating a Conviction. In certain circumstances authorized in statute, a person's record of conviction may be vacated by a sentencing judge. The judge may vacate a conviction by permitting the applicant to withdraw his or her guilty plea and enter a not guilty plea, or set aside the guilty verdict and dismiss the information, indictment, complaint or citation against the applicant, and vacate the judgment and sentence. Once the court vacates a record of conviction, the offense is no longer included in the person's criminal history.

Vacation for Misdemeanors and Gross Misdemeanors. A person convicted of a misdemeanor or gross misdemeanor may apply to the sentencing court to vacate the conviction if he or she has completed all the terms of the sentence. A person is prohibited from having a record vacated if:

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- the applicant has been convicted of a new crime in any state or federal court since the date of conviction;
- the applicant has had the record of another conviction vacated;
- he or she applies for vacation less than three years after he or she completed his or her sentence, including any financial obligations;
- there are any pending criminal charges against the applicant in any state or federal court;
- the applicant has been the subject of a domestic violence protection order, a no-contact order, an anti-harassment order, or a civil restraining order within the five years prior to applying for the vacation; or
- the conviction was for one of the select offenses that may not be vacated, for example, a violent offense, Driving Under the Influence, or Obscenity and Pornography.

There are additional requirements for a person seeking to have his or her record vacated for a domestic violence offense.

Summary of Bill:

The restrictions for vacating gross misdemeanor and misdemeanor convictions are modified.

An applicant is eligible to have his or her record vacated even if he or she has been convicted of a new gross misdemeanor or misdemeanor offense, as long as it has been more than three years since those new convictions occurred. However, an applicant remains barred from vacating his or her record if he or she has any new felony convictions.

An applicant may vacate up to four misdemeanor and gross misdemeanor convictions. An applicant may vacate more than one misdemeanor or gross misdemeanor conviction at one time.

Appropriation: None.

Fiscal Note: Requested on January 20, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.