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**Community Safety, Justice, & Reentry  
Committee**

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**SSB 5998**

**Brief Description:** Timing of eligibility for vacation of nonfelony convictions.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Hansen, Billig, Dhingra, Nguyen and Saldaña).

**Brief Summary of Substitute Bill**

- Requires a person to satisfy all financial obligations before a court may vacate the person's conviction for a misdemeanor or gross misdemeanor.
- Removes the requirement for a person to complete payment of financial obligations before the specified waiting period that determines the person's eligibility to vacate an applicable misdemeanor or gross misdemeanor may commence.

**Hearing Date:** 2/15/24

**Staff:** Michelle Rusk (786-7153).

**Background:**

Vacation of Convictions Generally.

Under certain conditions, a person's record of conviction may be vacated by a sentencing court. If the court vacates the record of conviction, the offense is no longer included in the person's criminal history and the person may state that he or she has never been convicted of that crime, including when responding to questions pertaining to licensing, employment, and housing applications.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Vacation of Misdemeanor Convictions.

Any person convicted of a qualifying misdemeanor or gross misdemeanor may apply to the sentencing court for vacation of the conviction upon meeting certain criteria. A person's qualifying conviction may not be vacated if, for example, any of the following exist:

- the person has not completed all terms of the sentence;
- the conviction is for a qualifying domestic violence offense and less than five years have passed since the person completed the terms of the sentence, including any financial obligations; or
- less than three years have passed since the person completed the terms of sentence, including any financial obligations.

### **Summary of Bill:**

#### Vacation of Misdemeanor or Gross Misdemeanor Convictions.

The following criteria by which a person may have a misdemeanor or gross misdemeanor vacated are modified:

- a person may not have a conviction vacated if the person has not completed all terms of the sentence, including satisfaction of financial obligations;
- the conviction is for a qualifying domestic violence offense and less than five years have passed since the person completed the terms of the sentence, including completion of ordered treatment, but excluding the payment of financial obligations; or
- less than three years have passed since the later of the applicant's: (1) release from supervision or probation, (2) release from total and partial confinement; or (3) sentencing date. It is not a requirement that more than three years have passed since an applicant completed any financial obligations.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 14, 2024.

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