

# CRIMINAL HISTORY/RECORDS

## A Guide on When and How to Seal/Vacate Non-Violent Class B or C Felony Convictions Occurring On or After July 1, 1984

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### Introduction

This brochure provides information and forms on how to **vacate** and **seal** records concerning certain **non-violent Class B or C felony convictions** in Washington State occurring **on/after July 1, 1984**.

There currently is NO statute that would allow for the **expungement** or **destruction** of an adult conviction record. However, once your conviction is vacated and sealed, state law gives you the right to state to anyone, including prospective employers, that you were NOT convicted of that offense. There are some limitations – evidence of the conviction can be raised during a later criminal prosecution AND obtaining an order to vacate/seal most likely does NOT restore your right to own or possess firearms.<sup>1</sup> Additionally, computerized court indexes such as SCOMIS may still show the nature of the charge. Employers may check both SCOMIS and the FBI records and obtain this information. However, it is still worthwhile to obtain a court order vacating and sealing your record, since it does provide you some protection in background checks.

### Basic Requirements

The circumstances under which conviction records may be vacated or sealed are **VERY LIMITED**. You should NOT begin the seal/vacate process unless ALL of the following are true:<sup>2</sup>

1. The court date of your conviction was **ON/AFTER July 1, 1984**;
2. There are **NO** criminal charges against you pending in any court in any state or federal court;
3. You have **NOT** been convicted of a new crime in any state or federal court since the date of your discharge (this is the date the sentencing court issued an order called a "Certificate of Discharge" certifying that all requirements of your sentence had been completed);
4. a) The offense was a **class B felony** and at least **10 YEARS** have passed since the date your sentence was discharged; or b) The offense was a **class C felony** and at least **5 YEARS** have passed since the date your sentence was discharged; **AND**

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<sup>1</sup> Restoration of your right to possess firearms is beyond the scope of this publication. However, for reference, a petition to restore rights concerning firearms can be made under RCW 9.41.040(4). See also RCW 9.41.047.

<sup>2</sup> RCW 9.94A.640 (formerly RCW 9.94A.230).

5. The offense of which you were convicted was **NOT** one of the following:<sup>3</sup>
- Any felony defined under any law as a class A felony or an attempt to commit a class A felony
  - Criminal solicitation of or criminal conspiracy to commit a class A felony
  - Extortion in the first degree
  - Drive-by shooting
  - Vehicular homicide
  - Aggravated, first or second degree murder
  - First or second degree kidnapping
  - Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug, or by operation of any vehicle in a reckless manner
  - First, second, third, and fourth (simple) degree assault
  - First, second, or third degree assault of a child
  - First, second, or third degree rape
  - First, second, or third degree rape of a child
  - First or second degree robbery
  - First or second degree arson
  - First degree burglary
  - First or second degree manslaughter
  - First or second degree extortion
  - Indecent liberties
  - Incest
  - First degree promoting prostitution
  - Communication with a minor
  - Unlawful imprisonment
  - Sexual exploitation of minors
  - First or second degree criminal mistreatment
  - Endangerment with a controlled substance

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<sup>3</sup> This list of crimes was compiled and consolidated from RCW 9.94A.030(45) ("violent crimes") and RCW 43.43.830(5) ("crimes against children or other persons").

- Child abuse or neglect as defined in RCW 26.44.020
- First or second degree custodial interference
- First or second degree custodial sexual misconduct
- Malicious harassment
- First, second, or third degree child molestation
- First or second degree sexual misconduct with a minor
- Patronizing a juvenile prostitute
- Child abandonment
- Promoting pornography
- Selling or distributing erotic material to a minor
- Custodial assault
- Violation of child abuse restraining order
- Child buying or selling
- Prostitution
- Felony indecent exposure
- Criminal abandonment
- Possibly any of the above crimes as they may be renamed in the future
- Possibly any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to one of the above felonies
- Possibly any federal or out-of-state conviction for an offense that under the laws of this state would be classified as one of the above felonies.

**WARNING:** If any of the above requirements are not met, you do **NOT** qualify for vacation of your conviction and you should **NOT** attempt to do so.

## **Step-by-Step Guide**

The following is a step-by-step guide to vacating and sealing your criminal history records.

### **STEP 1: OBTAIN A PERSONAL CRIMINAL HISTORY CHECK**

In many cases, your local prosecutor and your employer will be satisfied that you have no new arrests on your record if you obtain an "unofficial" copy of your criminal history background report through the WSP on the Internet at the following website:

**<https://watch.wsp.wa.gov>**. This service costs \$10 per search and requires a credit card.

If the WATCH printout does not satisfy the prosecutor or employer, then you should go

to your local law enforcement office (police or sheriff) and have them fingerprint you and provide you with **TWO official fingerprint cards**.

Next, write the Washington State Patrol ("WSP") to request that they send you an **official copy** of your **personal criminal history background** (sometimes referred to as a "**fingerprint search**"). Explain that you are making this request in connection with your motion to vacate/seal criminal history records. Include one of the official fingerprint cards (NOT a copy) and a \$25 money order and send everything to:

**Criminal History Section  
Washington State Patrol  
PO Box 42633  
Olympia WA 98504-2633**

It can take up to 8 weeks or more for the WSP to process your request. If you have not received the report within 8 weeks of your mailing, you should call the WSP at **360.705.5100** to inquire as to the status of your request.

## **STEP 2: OBTAIN COURT DOCUMENTS**

Go to the court in which you were convicted and obtain the following documents from the Court Clerk:

1. A copy of the **Satisfaction of Judgment** if there is one.
2. A certified copy of your **Certificate and Order of Discharge**. This document should have been provided to the court by the Department of Corrections (DOC), and then given to you in person or by mail (and filed in the criminal court file), after successful completion of the sentence.<sup>4</sup> Sometimes, DOC terminates supervision of a convicted individual without issuing an Order of Discharge. For example, the individual may have failed to pay fines that were required or failed to complete a treatment program that was ordered. Because your ability to vacate a conviction is based on the date the Order of Discharge was issued, you will NOT be able to vacate your conviction until an Order of Discharge has been issued. You may be able to get this issue straightened out with DOC if you in fact paid all your legal financial obligations or completed all sentencing conditions, or you may need to contact a private attorney. If you are low income and live outside King County, you may call Northwest Justice Project's CLEAR line at 1-888-201-1014 (King County low-income clients may call 206-464-1519) for advice or a possible referral.
3. Certified copy of your **Judgment and Sentence**.

The files with these documents will likely be in the court's archives and thus your request may take several weeks to process. There may be charges for copying these documents.

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<sup>4</sup> See RCW 9.94A.637(1).

### **STEP 3: DRAFT YOUR DECLARATION TO SUPPORT YOUR MOTION**

**NOTE:** It is preferred that any documents you prepare for the court are TYPED and NOT handwritten. If typing is not possible, then be sure that the penmanship is clear and easy to read.

In your Declaration, you are stating the information necessary to meet the "**Basic Requirements**" noted above.

Attached is a "**Declaration of Defendant . . .**" form that you may use.

You should also attach all court/other documents related to your declaration.

### **STEP 4: DRAFT THE MOTION**

Complete the attached "**Defendant's Motion for Order . . .**" form.

### **STEP 5: CONTACT THE PROSECUTOR'S OFFICE/VICTIM'S INFORMATION**

At some point early on, well before scheduling your court hearing, you should contact the prosecutor's office that was involved in your case. Explain what you are doing and ask to speak with the prosecutor in their office who handles such matters.

You may learn that the particular prosecutor's office does not require the formality of a court hearing and will agree to sign off on an "Agreed Order" if you provide them with sufficient proof you have satisfied the statutory requirements. (See the section below regarding the "**Order to Vacate/Seal . . .**" in **Step 9** for more information.)

It is more likely, however, that the prosecutor will require that you schedule and attend a hearing before the judge. If so, you must properly notify the prosecutor of the hearing by following applicable court rules (see below).

### **STEP 6: SCHEDULE HEARING DATE/NOTICE OF HEARING**

When you have all your papers in order and are essentially ready to go to court, contact the Court Clerk and find out which court/judge will hear your motion and on what day of the week/time it can be heard. You should plan to schedule your hearing 3-4 weeks in advance, and verify with the Clerk that there are no conflicts around this time.

Also, verify with the Clerk whether there is a special form that you must use to note the time/date of the hearing. If not, you may use the attached "**Notice of Hearing re Motion for Order . . .**" form.

Finally, verify with the court whether there is a filing fee for this type of motion. At least some courts do not require a filing fee as you are filing the motion under the original case number. If the clerk believes a filing fee applies, ask that they verify this with their supervisor and/or the court's accounting department. If a fee does apply, it may be around **\$110-\$125** cash, money order or certified check.

### **STEP 7: COPY/FILE/SERVE THE DOCUMENTS**

Make copies of all your documents so that you have **THREE** complete sets – one original and two copies. You may also need at least **TWO** additional copies of your "**Notice of Hearing**".

Go to the Clerk's office and file the originals – the "**Motion**" (with attachments), the "**Declaration**" (with attachments), and the "**Notice of Hearing**" – and pay any applicable filing fee. Also, have them date stamp one set of your documents (the first page of each document in the set).

Then, go directly to the prosecutor's office and hand a copy of your documents – the "**Motion**", "**Declaration**", and "**Notice of Hearing**" to an employee of the prosecutor's office. Have this person date stamp the set of documents that was previously stamped by the Court Clerk. Also, make sure that the person who receives the documents understands that there is a notice regarding a hearing that will happen very soon and the documents should immediately be given to a prosecutor.

If there were any identifiable victims of your crime, write the prosecuting attorney a letter requesting that they send notice of the hearing to each victim and include a copy of the "**Notice of Hearing**" and an envelope with sufficient postage for this purpose.

### **STEP 8: DECLARATION OF SERVICE**

Complete the attached "**Declaration of Service**" form with information on HOW you sent WHAT papers to WHOM and WHEN.

Make **FOUR** copies, file the original with the Court Clerk some time before your hearing, have one of your copies date stamped by the clerk and bring the three copies with you to the hearing – one for yourself (the date stamped copy), one for the prosecutor and one for the judge.

### **STEP 9: PREPARE FOR & ATTEND THE HEARING/OBTAIN AN ORDER**

Fill in the attached "**Order to Vacate Seal . . .**" – everything except where the judge and prosecutor signs/dates it. If the prosecutor decides to sign off on your order, check the box under the heading next to "AGREED ORDER" and have the prosecutor sign it at the end. Make **THREE** copies and bring them to the hearing.

Prepare for the hearing by writing a brief outline of what you intend to say to the court. Your outline should follow the following format:

1. Brief introduction. Introduce yourself, thank the court for allowing you to be heard, and explain why you are there – i.e., bringing a motion to vacate criminal history records.
2. Briefly state that you have satisfied all of **RCW 9.94A.640's** statutory requirements.
  - a) Your conviction was **ON/AFTER July 1, 1984**;
  - b) There are **NO** pending criminal charges against you anywhere;
  - c) You have **NOT** been convicted of a new crime in any state or federal court since your discharge;
  - d) You were convicted of a **class B felony** and over **10 YEARS** have passed since your discharge, or you were convicted of a **class C felony** and over **5 YEARS** have passed since your discharge; AND

- e) The offense involved was **NOT** a "violent crime" under **RCW 9.94A.030(45)**, or a "crime against persons" under **RCW 43.43.830(5)**.
3. Briefly state that you have satisfied all of the procedural requirements **under General Rule (GR) 15** by serving proper notice of the hearing.
4. Present a copy of your proposed order to the prosecution and to the judge. Explain that your proposed order tracks the language in **RCW 9.94A.640** and **General Rule 15**.
5. Ask the court if it has any questions and, if so, answer them to the best of your ability.

Attend the hearing. Bring at least **TWO** extra copies of your documents (**THREE** copies of your "**Declaration of Service**" and "**Order to Vacate/Seal . . .**"), which includes the copy that was date stamped by the court and the prosecutor.

1. Be 30 minutes early.
2. Dress neatly, as if you were going to a job interview.
3. Do **NOT** bring your children, if at all possible.
4. Check in with the clerk of the judge's courtroom.
5. Try to find the prosecutor and go over any last minute details with him or her before the hearing.
6. When your case is called, walk up to the table or podium for lawyers in front of the judge and wait to be instructed by the judge to speak. Follow your prepared outline.
7. Remember to speak only to the judge and only when it is your turn. Do **NOT** interrupt the judge or speak to the prosecutor, even if they interrupt or speak to you. You want to appear polite and reasonable. Staying calm will impress the judge. If you are confused or do not understand something, politely tell the judge so and ask for clarification.

If the judge grants and signs your order, ask that either the judge or courtroom clerk give the order to you so that you may go to the Court Clerk's office to file it and obtain **FIVE copies** of the order: **be sure that the order has the court's file stamp on it or the Washington State Patrol will not accept it**. There will be a charge for this service.

### **STEP 10: SEND THE ORDER TO THE WASHINGTON STATE PATROL (WSP) & OTHER AGENCIES**

Fill in and sign the attached letter to the WSP requesting that they delete all references to your conviction and cease disseminating information regarding your conviction. The letter also requests that, if possible, they forward this information to any other relevant agencies, including the Federal Bureau of Investigation (FBI). You **MUST** enclose the copy of your signed order that you obtained from the Court Clerk after your hearing.

Mail this letter to the WSP at the same address to which you sent your criminal history report request. You should send this letter with delivery confirmation requested – **NOT**

by certified mail – as you are sending it to a P.O. Box and no one is there to personally accept delivery.

After a few weeks have passed, call the WSP to ensure that they have received the order and are processing your request.

Approximately ninety days after the Order was obtain, you should confirm that your criminal history record with the WSP is up-to-date and correct. You can do this by ordering a new official and/or unofficial copy of your criminal history report.

Be prepared for the possibility that your criminal history information may have found its way into databases other than the WSP's. Consequently, you should also contact the FBI, local law enforcement, the Department of Licensing and other relevant agencies to request that their records concerning information be deleted or sealed. You may need to send them a court-stamped copy of your order. You should also keep a **court-stamped copy** of your order ready to present if someone like a prospective employer gets negative information from some other source. After sealing, the FBI may still disclose some information about the conviction. If disclosures are still being made, check your FBI records and contact the WSP.

Note that a Washington law enforcement agency is required to report accurate and complete criminal history information. No such agency may report criminal history information concerning a felony without checking with the WSP to verify the most current and complete information available.<sup>5</sup> Moreover, should such an agency violate these requirements, it is possible to bring a lawsuit forcing the agency to act in a certain way or for damages, which could be significant if, for example, you were to lose a job opportunity because of their mistake.<sup>6</sup> If your lawsuit asks that the agency act in a certain way, you may be able to recover attorney's fees. Finally, violations of these requirements are considered a criminal misdemeanor and thus can subject members of such an agency to criminal liability.<sup>7</sup>

## Other Resources

**Washington State Court Internet Site:** [www.courts.wa.gov](http://www.courts.wa.gov). This site includes a statewide directory of courts, including address/numbers. The site also includes a variety of legal information and forms, including:

1. ***Criminal History and Criminal Records: A Guide on When and How to Challenge, Seal, Vacate or Expunge***, written by the Office of the Administrator for the Courts (OAC). This publication includes information on juvenile and adult criminal history court and law enforcement records, and can also be obtained by calling OAC directly at **360.705.5328**.
2. Forms used to seal **Juvenile Court Records**.

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<sup>5</sup> See RCW 10.97.040.

<sup>6</sup> See RCW 10.97.110.

<sup>7</sup> See RCW 10.97.120.

3. Forms and instructions used to vacate/seal **Misdemeanor and Gross Misdemeanor Conviction Court Records.**

**CLEAR (Northwest Justice Project):** If you are low-income, additional legal advice is available by calling the Northwest Justice Project's **Coordinated Legal Education Advice and Referral (CLEAR)** program at **1.888.201.1014**. Moreover, legal publications covering a broad range of legal topics are available from our website (the Northwest Justice Project) at [www.nwjustice.org](http://www.nwjustice.org).

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

**STATE OF WASHINGTON,**  
Plaintiff,  
vs.  
\_\_\_\_\_,  
Defendant.

**Case No. \_\_\_\_\_  
DEFENDANT'S MOTION FOR ORDER TO  
VACATE/SEAL CONVICTION RECORD  
PURSUANT TO GR 15 and RCW 9.94A.640**

**I. IDENTITY OF MOVING PARTY**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

[not necessary]

Date of Conviction: \_\_\_\_\_

Offense convicted of : \_\_\_\_\_  
\_\_\_\_\_

Sentence: judgment and sentence  
attached \_\_\_\_\_

Date of Discharge: [Certificate of Discharge  
attached] \_\_\_\_\_

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2 **II. FACTS**

- 3 A. The offense for which Defendant seeks relief was committed on/after July 1, 1984.
- 4 B. There are no criminal charges against Defendant pending in any state or federal court.
- 5 C. The offense involved in the above-numbered case, \_\_\_\_\_ (name  
6 of crime with RCW citation), is not a "violent offense" as defined in RCW 9.94A.030.
- 7 D. The offense involved in the above-numbered case is not a "crime against persons" as defined in  
8 RCW 43.43.830.
- 9 E. Defendant has not been convicted of a new crime in any state or federal court since discharged  
10 under RCW 9.94A.637 (formerly RCW 9.94A.220).
- 11 F. The offense involved in the above-numbered case is a Class \_\_\_\_\_ (B or C) felony.
- 12 G. Over \_\_\_\_\_ years (5 for Class B or 10 for Class C) have passed since Defendant was discharged  
13 under RCW 9.94A.637.
- 14 H. The above facts are supported and supplemented by Defendant's Declaration and supporting  
15 materials.

16 **III. STATUTORY AUTHORITY**

17 GR 15(a) sets forth "a uniform procedure for the destruction and sealing of court files, cases,  
18 records, or specified documents or material in a court file or record at all court levels." The rule defines  
19 "sealing" as "to protect from examination by the public or nonauthorized personnel." GR 15(b)(1).  
20 Motions to seal criminal history records may be brought by "any interested person" and the court has the  
21 discretion to grant such motion if such is "expressly permitted by statute or there are compelling  
22 circumstances requiring such action." GR 15(c)(1)(B).

23 Here, RCW 9.94A.640 provides the statutory authorization supporting Defendant's motion, and  
24 outlines the following prerequisites:

1. No pending criminal charges against Defendant in any state or federal court;

- 1 2. No new convictions for Defendant in any state or federal court since Defendant's date  
of discharge;
- 2 3. The offense was not a "violent offense" as defined in RCW 9.94A.030;<sup>8</sup>
- 3 4. The offense was not a "crime against persons" as defined in RCW 43.43.830;<sup>9</sup> and
- 4 5. The offense was a class C felony and over five years have passed, or a class B felony  
and over 10 years have passed, since the date of discharge.
- 5 As long as the above elements are satisfied, an offender may ask the court to "clear the record of

6 conviction by:

- 7 (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of  
not guilty; or

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<sup>8</sup> Under RCW 9.94A.030(45), "violent offense" means any of the following felonies:

- 9 (i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
- 10 (ii) Criminal solicitation of or criminal conspiracy to commit a class A felony; (iii) Manslaughter  
in the first degree; (iv) Manslaughter in the second degree; (v) Indecent liberties if committed by  
11 forcible compulsion; (vi) Kidnapping in the second degree; (vii) Arson in the second degree; (viii)  
Assault in the second degree; (ix) Assault of a child in the second degree; (x) Extortion in the first  
12 degree; (xi) Robbery in the second degree; (xii) Drive-by shooting; (xiii) Vehicular assault, when  
caused by the operation or driving of a vehicle by a person while under the influence of  
13 intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;  
and (xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any  
14 person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502,  
or by the operation of any vehicle in a reckless manner.

15 It also includes: "(i) any conviction for a felony offense in effect at any time prior to July 1, 1976, that is  
comparable to a felony classified as a violent offense in (a) of this subsection; and (ii) any federal or out-of-  
16 state conviction for an offense that under the laws of this state would be a felony classified as a violent  
offense under (a) or (b) of this subsection." Id.

17 <sup>9</sup>Under RCW 43.43.830(5), "crimes against children or other persons" means a conviction for any of the following  
offenses:

18 [a]ggravated murder; first or second degree murder; first or second degree kidnapping; first,  
second, or third degree assault; first, second, or third degree assault of a child; first, second, or  
19 third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first  
degree arson; first degree burglary; first or second degree manslaughter; first or second degree  
extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution;  
20 communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of  
minors; first or second degree criminal mistreatment; endangerment with a controlled substance;  
21 child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference;  
first or second degree custodial sexual misconduct; malicious harassment; first, second, or third  
22 degree child molestation; first or second degree sexual misconduct with a minor; patronizing a  
juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic  
23 material to a minor; custodial assault; violation of child abuse restraining order; child buying or  
selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as  
they may be renamed in the future.

1 (b) if the offender has been convicted after a plea of not guilty, by the court setting aside  
2 the verdict of guilty; and

3 (c) by the court dismissing the information or indictment against the offender."

4 RCW 9.94A.640(2).

5 If a motion to vacate the record of conviction is granted,

6 the fact that the offender has been convicted of the offense shall not be included in the  
7 offender's criminal history for purposes of determining a sentence in any subsequent  
8 conviction, and the offender shall be released from all penalties and disabilities resulting  
9 from the offense. For all purposes, including responding to questions on employment  
10 applications, an offender whose conviction has been vacated may state that the offender  
11 has never been convicted of that crime. Nothing in this section affects or prevents the use  
12 of an offender's prior conviction in a later criminal prosecution.

13 RCW 9.94A.640(3).

#### 14 **IV. RELIEF REQUESTED**

15 By applying the facts to the law as laid out above, it is clear that the standard for vacating  
16 Defendant's conviction and ordering the sealing of the applicable records has been met. The presence of a  
17 conviction of Defendant's record remains an impediment to employment and other opportunities.  
18 Consequently, Defendant respectfully requests that this court exercise its discretion in granting the  
19 following relief:

20 A. That the court vacate the record of Defendant's conviction in the above-numbered case. The  
21 means by which this would occur is that the court would SET ASIDE the guilty verdict in the above-  
22 numbered case and then DISMISS the information against Defendant.

23 B. That the court order that Defendant be released from all penalties and disabilities resulting from  
24 the offense in the above-numbered case.

C. That the court order that for all purposes, including responding to questions on employment  
applications, Defendant may state that Defendant has never been convicted of the crime involved in the  
above-numbered case.

1 D. That the court order that all law enforcement records and all court records regarding this offense  
2 shall be sealed from public dissemination.

3 DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

4 Respectfully submitted,

5  
6 \_\_\_\_\_  
Signature

7 \_\_\_\_\_  
Printed Name

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF \_\_\_\_\_

STATE OF WASHINGTON,

Plaintiff,

vs.

\_\_\_\_\_ ,

Defendant.

Case No. \_\_\_\_\_

**DEFENDANT'S DECLARATION IN  
SUPPORT OF DEFENDANT'S MOTION FOR  
ORDER TO VACATE/SEAL CONVICTION  
RECORD PURSUANT TO GR 15 and RCW  
9.94A.640**

**I.**

This Declaration is made by:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Age: \_\_\_\_\_

**II.**

I DECLARE the following:

A. On \_\_\_\_\_ (date), I was convicted of \_\_\_\_\_ (crime)  
under RCW \_\_\_\_\_ (statute citation) in the \_\_\_\_\_ (name of  
court) with \_\_\_\_\_ (name of judge) presiding.

1 B. The court sentenced me as set forth in the attached copy of Judgment/Sentence .

2 C. On \_\_\_\_\_ (date), based on my compliance with the requirements of my sentence, an  
3 Order of Discharge was entered. copy of order attached).

4 D. I have not been convicted of a new crime in any state or federal court since the date I was  
5 discharged.

6 E. There are no criminal charges pending against me in any state or federal court.

7 F. The offense for which I was convicted was not a "violent offense" as defined in RCW 9.94A.030.

8 G. The offense for which I was convicted was not a "crime against persons" as defined in RCW  
43.43.830.

9 H. The offense for which I was convicted was a class \_\_\_\_ (B or C) felony and more than \_\_\_\_ (10 or  
10 5) years have passed since I was discharged.

11 I. Having the record of conviction has affected, and continues to affect, my professional and  
12 personal life, and therefore I am seeking vacation and dismissal as authorized by law

13 J. In support of my motion, I have attached copies of relevant court and other official documents –  
14 including); a copy of my criminal history report from WSP; a copy of my Order of Discharge; a copy of  
15 my Judgment/Sentence; and a copy of my Satisfaction of Judgment.

16 **III.**

17 In accordance with RCW 9A.72.085 and GR 13, I declare under penalty of perjury under the  
18 laws of the State of Washington that the foregoing is true and correct.

19 Signed at \_\_\_\_\_, on \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
(City and State)

20  
21 \_\_\_\_\_  
Signature

22 \_\_\_\_\_  
Printed/Typed Name

23  
24 *DEFENDANT'S DECLARATION IN SUPPORT OF MOTION  
TO VACATE/SEAL CONVICTION RECORD - 2*

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

**STATE OF WASHINGTON,**

Plaintiff,

vs.

\_\_\_\_\_ ,

Defendant.

**Case No.** \_\_\_\_\_

**NOTICE OF HEARING RE MOTION  
FOR ORDER TO VACATE/SEAL  
CRIMINAL CONVICTION RECORD  
PURSUANT TO GR 15 and RCW  
9.94A.640**

**CLERK'S ACTION: REQUIRED**

TO: THE COUNTY CLERK;  
PROSECUTING ATTORNEY;  
\_\_\_\_\_ (Identified Victim, if applicable)  
\_\_\_\_\_ (Probationary/Supervisory Agency, if applicable)

PLEASE TAKE NOTICE that on a hearing on **Defendant's Motion for Order to Vacate/Seal  
Conviction Record** will be heard at the following date, time and location:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_ County Superior Court

Judge \_\_\_\_\_'s courtroom

ADDRESS: \_\_\_\_\_

1 PHONE: \_\_\_\_\_

2 DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

3

4 \_\_\_\_\_  
Signature

5 \_\_\_\_\_  
Printed/Typed Name

6

7 \_\_\_\_\_  
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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

**STATE OF WASHINGTON,**

Plaintiff,

vs.

\_\_\_\_\_,

Defendant.

**Case No.** \_\_\_\_\_

**ORDER TO VACATE/SEAL CRIMINAL  
CONVICTION RECORD PURSUANT TO  
GR 15 and RCW 9.94A.640**

**[ ] AGREED ORDER**

**CLERK'S ACTION: REQUIRED**

THIS MATTER having been brought before the court by Defendant seeking an order to vacate/seal Defendant's record of conviction in the above referenced case, and the Court having read the records, files, pleadings and other supporting materials herein hereby ORDERS, ADJUDGES AND DECREES the following:

A. Defendant's guilty verdict for \_\_\_\_\_ (crime) in the above-numbered action is VACATED and the information is DISMISSED.

B. All court and law enforcement records of the conviction in the above-numbered action are now hereby ordered to be SEALED.

C. D. Defendant shall be RELEASED from all penalties and disabilities resulting from the offense in the above-numbered action.

1 E. Defendant shall for all purposes, including responding to questions on employment applications,  
2 be able to state that Defendant has never been convicted of the crime involved in the above-numbered  
3 action.

4 F. CLERK'S ACTION: Pursuant to RCW 10.97.045, the clerk of this court shall promptly provide  
5 at no expense a certified copy of this order to the agency initiating the criminal history record for the  
6 charge ultimately resulting in the conviction at issue AND to the identification section of the Washington  
7 State Patrol.

8 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

9  
10 \_\_\_\_\_  
JUDGE/COMMISSIONER

11 Presented by:

Agreed to in Form/Substance by:

12  
13 \_\_\_\_\_  
14 DEFENDANT

15 \_\_\_\_\_  
PROSECUTING ATTORNEY

16 Printed Name

17 WSBA No.

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

**STATE OF WASHINGTON,**

Plaintiff,

vs.

\_\_\_\_\_ ,

Defendant.

**Case No.** \_\_\_\_\_

**DECLARATION OF SERVICE**

**I.**

I DECLARE that:

A. I hand-delivered/mailed by regular mail First Class U.S. Mail postage prepaid/mailed by certified mail First Class U.S. mail return receipt requested postage prepaid/e-mailed/faxed (circle one or more) to the Office of the Prosecutor of \_\_\_\_\_ County the following documents:

1. Notice of Hearing Re Motion for Order to Vacate/Seal Conviction Records;
2. Defendant's Motion for Order to Vacate/Seal Conviction Record; and
3. Defendant's Declaration in Support of Motion for Order to Vacate/Seal Conviction Record.

On/at the following date, time and place:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 B. I hand-delivered/mailed by regular mail First Class U.S. Mail postage  
2 prepaid/mailed by certified mail First Class U.S. mail return receipt requested postage prepaid/e-  
mailed/faxed (circle one or more) to \_\_\_\_\_ (the identified victim)  
3 [ ] To the Prosecuting Attorney's Office to be forwarded to victim identified  
above.

4  
5 The following document:

- 6 1. Notice of Hearing re Defendant's Motion to Seal/Vacate.

7 On/at the following date, time and place:

8 Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

9 Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10 C. I hand-delivered/mailed by regular mail First Class U.S. Mail postage prepaid/mailed by certified  
11 mail First Class U.S. mail return receipt requested postage prepaid/e-mailed/faxed (circle one or more) to  
12 the office of \_\_\_\_\_ (supervisory/probationary office – e.g., Department  
13 of Corrections) at the following address:

14 \_\_\_\_\_  
Agency Name

15 \_\_\_\_\_  
Address

16 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17 The following document:

- 18 1. Notice of Hearing re Defendant's Motion to Seal/Vacate.

19 On/at the following date, time and place:

20 Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

21 Address: \_\_\_\_\_  
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**II.**

In accordance with RCW 9A.72.085 and GR 13, I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, on \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
(City and State)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed/Typed Name

DATE: \_\_\_\_\_

TO: Records Officer  
Washington State Patrol  
Criminal Records and Identification Section  
P.O. Box 42633  
Olympia, WA 98504-2633

RE: Court order vacating and sealing record of \_\_\_\_\_,  
Date of birth \_\_\_\_\_

Dear Officer:

On \_\_\_\_\_, 20\_\_ the court, pursuant to RCW 9.94A.640, entered the attached order vacating and sealing my felony conviction.

I am requesting that your office take appropriate action to implement this order. To effectuate the court's order, this action should include sealing the record from dissemination in background checks. This will allow me, consistent with the court's order, to state that I have not been convicted of this offense. WAC 446-20-030 states that a conviction may be disseminated only until it is vacated by a court. Such vacation has occurred here.

The court has further ordered that I am released from all penalties and disabilities resulting from my conviction. The State Patrol has the authority to seal the conviction from public disclosure, not only as to its own records but also as to all other law enforcement agencies who may have given the record to the State Patrol (such as local police) or received it from them (such as the FBI). See, RCW 10.97.040. Again, in order to effectuate the court's order, it is necessary, and I request, that you remove the record from your databases and that you in turn notify any other agency you would have transmitted the record to or received it from of the court's order and its impact.

I would appreciate your notifying me in writing to confirm that the nature of the action you have taken pursuant to the court order. Having this record sealed is very important to my ability to put my past behind me and be a healthy and productive member of our community. Your cooperation is very much appreciated.

Sincerely,

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Print or Type Name

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Address

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Phone