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## Vacating a Criminal Conviction



You may have experienced that a criminal conviction has a way of continually causing problems no matter how long ago it occurred. The record of a criminal conviction may affect your ability to get work, housing, public benefits, financial aid for education, to drive or to enjoy other rights or privileges, such as voting. Many people who have been convicted of a crime are committed to starting fresh. Their record, however, often creates a barrier that makes moving on difficult.

Washington State has enacted a statute allowing people meeting certain requirements to vacate their criminal conviction. Because the Judge takes away the conviction, a person who has successfully petitioned the court can honestly say to employers or anyone else “I have never been convicted.”

Under RCW 9.96.060, a vacate ruling is not allowed if any of the following exists:

- a. Charges are pending in any state or federal court;
- b. The offense was:
  - i. A Violent offense;
  - ii. A Drunk Driving offense;
  - iii. A Sex offense; or
  - iv. Domestic Violence offense;
- c. Less than three years have passed since any terms of sentence have been completed;
- d. Applicant has committed a new crime since date of conviction;
- e. Any other crime has already been vacated; and
- f. A restraining order exists or has existed within last five years.

The process involves gathering several documents from Washington State Patrol, drafting documents to file with the sentencing court, and making a court appearance.