



January 1, 2022

TO: Judges, Commissioners, County Clerks, Court Administrators, Court Facilitators, Libraries, Attorneys, and the Public

FROM: Ashley Tam, Senior Legal Analyst
Administrative Office of the Courts

RE: SUMMARY OF CHANGES FOR MISDEMEANOR JUDGMENT AND SENTENCING, INCLUDING LEGAL FINANCIAL OBLIGATION FORMS (JANUARY 2022)

The Washington Pattern Forms Committee updated the [misdemeanor judgment and sentencing court pattern forms](#). We incorporated newly passed legislation, improved form accuracy, addressed user feedback, used more inclusive terms, and increased clarity of information contained in these forms. In addition, we have begun efforts to standardize our forms amongst all our form sets and therefore, you will notice stylistic changes as well.

Two forms were primarily updated to incorporate the [Laws of 2020, ch. 330 \(3SHB 1504\)](#) sections which become effective on January 1, 2022.

Form No.	Form Title
CrRLJ 07.0100	Judgment and Sentence Form DUI Physical Control Reckless Driving Negligent Driving
CrRLJ 07.0110	Judgment and Sentence Form

Three forms were primarily updated to better clarify the different paths to vacate convictions; these forms are effective on January 1, 2022. Note that “motions” were changed to “petitions” to better match the statutory law.

Form No.	Form Title
CrRLJ 09.0100	Petition and Declaration for Order Vacating Conviction
CrRLJ 09.0200	Order on Petition Re: Vacating Conviction
CrRLJ 09.0300	Instructions for Vacating Misdemeanor and Gross Misdemeanor Convictions



In addition, the [Legal Financial Obligation \(LFO\) forms](#) have been retitled and updated to comply with new court rule, [General Rule \(GR\) 39](#). These forms are now mandatory use and address all legal financial obligations, including interest, restitution, discretionary LFOs, requests for additional time to pay LFOs, removal of LFOs from collection, and conversion of discretionary LFOs to community restitution across all court levels. The updated forms are effective as of January 1, 2022.

Form No.	Form Title
CR 08.0800	Petition re: Legal Financial Obligations
CR 08.0810	Order re: Legal Financial Obligations

To review all changes made to the forms, please see the attached Summary of Changes.

Customizing the Summary of Changes

This Summary of Changes was created using Adobe Acrobat Pro's Compare Tool. Depending on your PDF reader and software version, you may have different options to customize the Summary of Changes.

1. Download the Summary of Changes from your web browser. Then, open the file with Adobe Acrobat Reader DC.
2. Use the Bookmarks in the left pane (look for the  icon) to locate the form changes you would like to review, and then click on the name of the form. After that, click "Go to First Change (page 1)."
3. Hover over icons (e.g., a message bubble or white "x" enclosed in a red circle) in the document to see changes appear in a pop-up text box, or click on the icons to see a description of the changes in the right pane.
4. To filter the types of changes you would like to see:
 - a. Click the filter icon  in the right pane. If you do not see the filter icon, go to View>Tools>Comment>Open.
 - b. Select the type of changes (comments) you would like to see, such as "text replaced," "text deleted," or "text inserted." Click to "select" or "unselect." Then, click "apply."
 - c. Select "clear all" to reset the filters, as necessary.

To provide feedback about this Summary of Changes or any of our court forms, please complete the online form available at:

<http://www.courts.wa.gov/forms/?fa=forms.formsComments>.

Thank you to the Washington Pattern Forms Committee and Courts of Limited Jurisdiction Forms Subcommittee for updating the forms for statewide use. Thank you also to Tom Creekpaum, Manager of the Office of Legal Services and Appellate Court Support at the Administrative Office of the Courts, for his initial work on some of the forms.

12/30/2021 7:28:22 AM

Compare Results

Old File:

**CrRLJ 07.0100 Judgment and Sentence DUI
Physical Control.pdf**

3 pages (281 KB)
12/29/2021 4:31:56 AM

versus

New File:

**CrRLJ 07.0100 Judgment and Sentence DUI
Phys C Reckless or Neg Driv_2022 01.pdf**

5 pages (293 KB)
12/30/2021 7:22:42 AM

Total Changes

301

Content

52 Replacements
77 Insertions
70 Deletions

Styling and
Annotations

102 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

_____ **Court of Washington**
County of _____

vs. **Plaintiff**

Defendant
DOB: _____

No.

Judgment and Sentence for:

- 1) Driving Under the Influence (RCW 46.61.502)
 Physical Control (RCW 46.61.504)
2) Reckless Driving (RCW 46.61.500)
 Negligent Driving – 1st Degree (RCW 46.61.5249)

3) _____

(DUIJS)

Clerk's Action Required: 8, 9, 10

1. **The defendant is adjudged guilty based upon a guilty plea, jury verdict, or bench trial.** The court verified the defendant's criminal history and driving record and made findings as follows (*check all that apply*):

- (number) _____ Passenger(s) under age 16 (GY), BAC _____, No Test,
 Refusal, Drug related, THC _____;
 CDL Vehicle Information:
 Hazmat vehicle, Commercial vehicle, Passenger vehicle; and

Therefore, the defendant is **sentenced** as follows:

Sentence is suspended for a period of _____ months/years on the following conditions:

Count 1) _____ days of jail and suspends _____ days; and a fine of \$ _____ with \$ _____ suspended

Count 2) _____ days of jail and suspends _____ days; and a fine of \$ _____ with \$ _____ suspended

Count 3) _____ days of jail and suspends _____ days; and a fine of \$ _____ with \$ _____ suspended

Jail: Serve a total of _____ days in jail with credit for _____ days served, **and** serve a total of _____ days of electronic home monitoring with credit for _____ days served.

Other alternative means of confinement: _____.

Jail sentences are concurrent/consecutive with all other commitments _____

2. The defendant is indigent, as defined in RCW 10.101.010(3)(a)-(c).

Defendant shall pay to the clerk of this court:

<input checked="" type="checkbox"/> fine	\$ _____	<input type="checkbox"/> alcohol violator fee (DUC)	\$ 250.00
<input type="checkbox"/> assessments	\$ _____	<input type="checkbox"/> criminal conviction fee	\$ 43.00
<input type="checkbox"/> costs	\$ _____	<input type="checkbox"/> criminal traffic fee	\$ 102.50
<input type="checkbox"/> bench warrant fee	\$ _____	<input checked="" type="checkbox"/> probation/monitoring fee	\$ _____
<input type="checkbox"/> jail recoupment fee	\$ _____	<input type="checkbox"/> booking fee	\$ _____
<input type="checkbox"/> other _____	\$ _____	<input type="checkbox"/> public defender recoupment	\$ _____
		<input type="checkbox"/> Passenger under age 16 fine	\$ _____
<input type="checkbox"/> restitution of \$ _____ (set by separate order)			
<input type="checkbox"/> restitution to be left open for _____ days.			
<input type="checkbox"/> restitution emergency response (RCW 38.52.430) \$ _____			

Total: \$ _____

3. **Financial obligations are due and payable immediately unless the court has set a payment schedule.**

Pay total financial obligations to the court at \$ _____ per month starting on _____.

Pay schedule set by separate order.

\$ _____ of this total is converted to _____ hours of community restitution (service) which must be completed by _____. **Proof of completion shall be provided to the court/probation department.**

4. **Mandatory Conditions of Sentence - DUI/Physical Control**

- (a) The defendant shall not drive a motor vehicle without a valid license.
- (b) The defendant shall not drive a motor vehicle without proof of liability insurance or other financial responsibility.
- (c) The defendant shall not drive or be in physical control of a motor vehicle with an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within 2 hours after driving.
- (d) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer.
- (e) The defendant shall not drive a motor vehicle without a functioning ignition interlock device as required by the Department of Licensing. For each violation of the above mandatory conditions, the court shall order your confinement for a minimum of 30 days, which may not be suspended or deferred. For each incident involving a violation, the court shall suspend your license for 30 days.
- (f) No criminal violations of law or alcohol-related infractions.
- (g) Comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device.

(h) Comply with the requirement to install an ignition interlock device for an additional period as follows:

12 additional months for each passenger under the age of 16 for BAC less than 0.15, drug-related, no test, or THC. RCW 46.61.5055(6).

Total additional months: _____

OR

18 additional months for each passenger under the age of 16 for BAC greater or equal to 0.15, or refusal. RCW 46.61.5055(6).

Total additional months: _____

This period is in addition to any other ignition interlock device requirements imposed by the court or the Department of Licensing.

(i) The court has ordered the defendant to refrain from consuming any alcohol. The defendant must comply with alcohol monitoring as authorized by law. ✖

The defendant shall pay the cost of monitoring. ✖

The cost of monitoring shall be paid by _____.
RCW 46.61.5055(5).

5. Conditions of Sentence – Reckless Driving/Negligent Driving – 1st Degree ✖

(a) The defendant shall not drive a motor vehicle without a valid license and proof of liability insurance or other financial responsibility.

✖ The defendant shall not drive or be in physical control of a motor vehicle with an alcohol concentration of .08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within 2 hours after driving. ✖

(b) The defendant shall submit to a breath or blood alcohol test upon the reasonable request of a law enforcement officer.

(c) No criminal violations of law or alcohol related infractions.

(d) Comply with mandatory ignition interlock device requirements as imposed by the Department of Licensing.

6. Additional Conditions of Sentence – 24/7 Sobriety Program/Discretionary Ignition Interlock

24/7 Sobriety Program is available. For 6 months _____ days/months:

comply with the 24/7 Sobriety Program. RCW 46.61.5055(1)-(3).

do not drive any motor vehicle unless it is equipped with an ignition interlock device. (This **does not** authorize you to drive without a valid license). ✖

Comply with discretionary ignition interlock device requirements.
RCW 46.20.720(1)(e).

For a period of _____ years or for _____ months drive only a motor vehicle equipped with a functioning ignition interlock device, which is in addition to any ignition interlock device restriction imposed by DOL. ✖

Unless otherwise stated, the alcohol set point for any ignition interlock requirement imposed under this order shall be .020 _____.

Employer exemption: When the defendant provides an Employer Exemption declaration to the Department of Licensing, this order shall not apply to vehicles owned, leased, or rented by defendant's employer or to those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of the defendant's employer as a requirement of employment during working hours. **Except that,** the employer exemption does not apply when the employer's vehicle is assigned exclusively to the defendant and used solely to commute to and from employment.

7. Additional Conditions of Sentence

- Probation for _____ months. Supervised probation for _____ months with the probation department and abide by all rules and regulations of the probation department. Pay a pre-sentence fee and a monthly probation fee as set by the probation department.
- Obtain a substance use disorder evaluation expanded alcohol assessment from a Washington State approved agency and file a copy of the evaluation/assessment within _____ days. Begin any recommended/appropriate substance use disorder treatment or education within _____ days and file proof of timely enrollment and completion.
- Begin the following within _____ days, complete within _____ days, and file proof of timely enrollment and completion:
 - DUI victim's panel alcohol/drug information school 1-year substance use disorder treatment 2-year substance use disorder treatment
- Substance use disorder treatment for a period of _____ driver improvement school other _____.
- Use no alcoholic beverages or non-prescribed controlled drugs.
- Attend Alcoholics Anonymous Narcotics Anonymous other self-help program (_____) meetings _____ times a week for _____ months or as recommended by treatment provider.
- Other: _____.

8. Department of Licensing Notice – DUI, Physical Control, Reckless Driving, Negligent Driving 1st.

Department of Licensing Notice – Defendant under age 21 only.

Count _____ is:

- (a) a violation of ch. 69.41 RCW [Legend drug], ch. 69.50 RCW [VUCSA], or ch. 69.52 RCW [Imitation drugs], and the defendant was under 21 years of age at the time of the offense; **OR**
- (b) a violation under RCW 9.41.040 (unlawful possession of firearm), and the defendant was under the age of 18 at the time of the offense; **OR**
- (c) a violation under ch. 66.44 RCW [Alcohol] and the defendant was under the age of 18 at the time of the offense, **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of ch. 66.44 RCW, ch. 69.41 RCW, ch. 69.50 RCW, or ch. 69.52 RCW.

Clerk's Action –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must suspend/revoke the Defendant's driver's license.

9. **Review hearing scheduled for** *(purpose):* _____

On: *(date)* _____ at _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address: _____

10. **Bail or Bond** **exonerated** **forfeited.**

11. **I have read the rights, conditions, and warnings.**

Dated: _____

Judge/Commissioner/Pro Tem

Print Name: _____

Defendant's Signature

Defendant's Mailing Address:

Street Address or PO Box

City

State

Zip

Telephone No.:

Attorney for the Defendant

Prosecuting Attorney

Print Name:

Print Name:

WSBA No.

WSBA No.

Written Waiver of Counsel is filed.

Compare Results

Old File:

**CrRLJ 07.0110 Judgment and Sentence_2021
07.pdf**

4 pages (222 KB)
7/21/2021 2:25:12 PM

versus

New File:

**CrRLJ 07.0110 Judgment and Sentence_2022
01.pdf**

4 pages (224 KB)
12/29/2021 3:34:54 AM

Total Changes

114

Content

40 Replacements
35 Insertions
27 Deletions

Styling and Annotations

12 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

_____ Court of Washington
 County of _____

_____ Plaintiff	No.	Judgment and Sentence (JS)
vs. _____ Defendant		
DOB: _____		Clerk's Action Required: <input type="checkbox"/> 4, <input type="checkbox"/> 5, <input type="checkbox"/> 6, <input type="checkbox"/> 7

1. The defendant pled guilty, or pled not guilty and the verdict of the jury was guilty, or the finding of the court was guilty of:

Count	Crime	RCW or Ordinance (with subsection)
1.		
2.		
3.		
4.		

GV In count(s) _____, **domestic violence – intimate partner** was pled and proved.

GV In count(s) _____, **domestic violence – family or household member** was pled and proved.

Therefore, the defendant is adjudged guilty and sentenced as follows:
 Sentence is suspended (susp.)/deferred (def.) for _____ months/years on the following conditions:

Count 1: _____ days of jail, susp./def. _____ days; and a fine of \$ _____ with \$ _____ susp./def.

Count 2: _____ days of jail, susp./def. _____ days; and a fine of \$ _____ with \$ _____ susp./def.

Count 3: _____ days of jail, susp./def. _____ days; and a fine of \$ _____ with \$ _____ susp./def.

Count 4: _____ days of jail, susp./def. _____ days; and a fine of \$ _____ with \$ _____ susp./def.

Jail: Serve a total of _____ days in jail with credit for _____ days served, **and** serve a total of _____ days of [] electronic monitoring [] home detention/electronic monitoring with credit for _____ days served.

[] Other alternative means of confinement _____.

Jail sentences are concurrent/consecutive with all other commitments _____.

[] This crime is an offense which requires sex or kidnapping offender registration, or is one of the following offenses: assault in the fourth degree domestic violence, assault in the fourth degree with sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct in the second degree, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor in the second degree, stalking, indecent exposure, or violation of a sexual assault protection order granted under chapter 7.90 RCW, or comparable ordinance. Therefore, the defendant shall have a biological sample collected for purposes of DNA identification analysis. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from defendant for a qualifying offense. RCW 43.43.754.

[] Report to (law enforcement agency) _____ by (date/time) _____ to give a biological sample. Failure to give a biological sample is a gross misdemeanor.

2. [] The defendant is indigent, as defined in RCW 10.101.010(3)(a)-(c).

Defendant shall pay to the clerk of this court:

[] fine	\$ _____	[] criminal conviction fee	\$ <u>43.00</u>
[] assessments	\$ _____	[] criminal traffic fee	\$ <u>102.50</u>
[] costs	\$ _____	[] probation/monitoring fee	\$ _____
[] bench warrant fee	\$ _____	[] booking fee	\$ _____
[] jail recoupment fee	\$ _____	[] public defender recoupment	\$ _____
[] DNA fee (RCW 43.43.7541)	\$ <u>100.00</u>	[] DPO assessment for DV conviction	\$ <u>15.00</u>
[] Waived. DNA prev. collected.		[] domestic violence assessment	\$ <u>100.00</u>
[] PPIA (RCW 9A.88.120)	\$ _____	[] DPR fee (RCW 26.50.110)	\$ <u>30.75</u>
[] other	\$ _____		
[] restitution of \$ _____	(set by separate order.)		
[] restitution to be left open for _____	days.		
[] restitution emergency response (RCW 38.52.430)	\$ _____		

Total: \$ _____

3. **Financial obligations are due and payable immediately unless the court has set a payment schedule.**

[] Pay total financial obligations at \$ _____ per month starting on (date) _____.

[] Pay schedule set by separate order.

[] \$ _____ of this total is converted to _____ hours of community restitution (service) which must be completed by _____. **Proof of completion shall be provided to the court/probation department.**

The defendant is ordered to reimburse (*name of electronic monitoring agency*) _____ at _____, for the cost of pretrial electronic monitoring in the amount of \$ _____.

4. Additional Conditions of Sentence:

No criminal violations of law or alcohol-related infractions.

Do not drive a motor vehicle without a valid license and proof of insurance.

Probation for _____ months. Supervised probation for _____ months, with probation department and abide by all rules and regulations of probation department. Pay a \$_____ pre-sentence fee and a \$_____ monthly probation fee unless the fee is reduced by the probation department.

Supervised probation to end upon completion of certified domestic violence treatment and/or _____.

Obtain a substance use disorder evaluation from a Washington State-approved agency psycho-sexual evaluation from a state certified provider mental health evaluation from a state licensed mental health provider certified domestic violence program anger management victim awareness education consumer awareness (theft) Other _____.

File a copy of the evaluation within _____ days. Begin any recommended treatment or education within _____ days and file proof of timely enrollment and completion.

Begin the following within _____ days and complete within _____ months, and file proof of timely enrollment and completion: DUI victim's panel alcohol/drug information school 1-year substance use disorder treatment 2-year substance use disorder treatment substance use disorder treatment for the period of _____ driver improvement school.

Use no alcoholic beverages or non-prescribed controlled drugs.

Attend Alcoholics Anonymous Narcotics Anonymous Other self-help program (_____) meetings _____ times a week for _____ months or as recommended by treatment provider.

Do not go upon the property of and have no contact with _____.

Other: _____.

This crime involves a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130. The defendant is required to register with the county sheriff as described in the "Offender Registration Attachment."

Department of Licensing Notice – CPL Revocation and Surrender.

Count _____ is a violation of RCW 9.41.270 (unlawful carrying or handling of weapons), a gross misdemeanor for which the penalty includes loss and revocation of the defendant's concealed pistol licenses, if any.

Count _____ is a violation of RCW 9.41.280 (possessing a dangerous weapon on school facilities), a gross misdemeanor for which the penalty is revocation of the defendant's concealed pistol licenses (CPL), if any, for 3 years; and the defendant is not allowed to apply for concealed pistol licenses for a

period of 3 years.

[] Count _____ is a violation of RCW 9.41.282 (carrying a firearm at a childcare center), a gross misdemeanor for which the penalty is revocation of the defendant's concealed pistol licenses (CPL) for 3 years and the immediate surrender of the defendant's CPL, if any. The defendant also is not allowed to apply for a CPL for a period of 3 years from the date of conviction.

NOTICE TO DEFENDANT: You have been convicted of RCW 9.41.282, which requires immediate surrender of your concealed pistol licenses (CPL). You are ordered to immediately surrender your CPL, if any, to the court.

Clerk's Action – The clerk shall forward a Notice of Revocation of Concealed Pistol License to DOL.

5. [] Department of Licensing Notice – Defendant under age 21 only.

Count _____ is (a) a violation of ch. 69.41 RCW [Legend drug], ch. 69.50 RCW [VUCSA], or ch. 69.52 RCW [Imitation drugs], and the defendant was under 21 years of age at the time of the offense **OR** (b) a violation under RCW 9.41.040 (unlawful possession of firearm), and the defendant was under the age of 18 at the time of the offense **OR** (c) a violation under ch. 66.44 RCW [Alcohol], and the defendant was under the age of 18 at the time of the offense **AND** the court finds that the defendant previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of ch. 66.44 RCW, ch. 69.41 RCW, ch. 69.50 RCW, or ch. 69.52 RCW.

Clerk's Action – The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.265.

6. [] Review hearing scheduled for (purpose): _____

On: (date) _____ at _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address: _____

7. [] Bail or Bond is [] exonerated [] forfeited.

8. I have read the rights, conditions, and warnings.

Dated: _____

Judge/Commissioner/Pro Tem

Print Name: _____

Defendant's Signature

Defendant's Mailing Address: _____

Street Address or PO Box City State Zip

Telephone No.:

Attorney for the Defendant

Prosecuting Attorney

Print Name: _____

Print Name: _____

WSBA No. _____

WSBA No. _____

[] Written Waiver of Counsel is filed.

Compare Results

Old File:

**CrRLJ 09.0100 MotDecVacateConviction_2021
07.pdf**

5 pages (149 KB)
7/21/2021 2:36:21 PM

versus

New File:

**CrRLJ 09.0100
PetitionDecVacateConviction_2022 01.pdf**

5 pages (150 KB)
12/29/2021 3:35:36 AM

Total Changes

65

Content

20 Replacements
24 Insertions
18 Deletions

Styling and Annotations

3 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

_____ Court of Washington
County of _____

Plaintiff
vs. _____
Defendant

No. _____
**Petition and Declaration
for Order Vacating Conviction
(PT)**

Petition and Declaration for Order Vacating Conviction

I. Petition

1. Defendant asks the court for an order vacating defendant's conviction(s) of misdemeanor or gross misdemeanor offenses. This petition is based on RCW 9.96.060 and RCW 9.96.080, the case record and files, and the declaration of defendant.

Dated: _____

Defendant/Defendant's Attorney, WSBA #

Print Name

II. Declaration of Defendant

2. I, (name) _____, state as follows:

On (date) _____ I was convicted of the following offense(s):


Count No: ____ Offense: _____

Count No: ____ Offense: _____

Count No: ____ Offense: _____

Offense Committed as a Victim of Certain Crimes

3. [] **Conviction as Victim.** The offense for which I was convicted was a misdemeanor or gross misdemeanor, and the conviction was a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, and all of the following are true:

- I am providing to the sentencing court or the sentencing court’s successor, my statement of the specific facts and circumstances below that prove by a  preponderance of the evidence that the offense was committed as a result of being a victim of one of the above offenses:

[] See attached.

- I have no criminal charges pending in any court of this or another state, or in any federal court for any crime other than **prostitution**.
- The offense for which I was convicted was a misdemeanor, and I have not been convicted of a new crime in this state, another state, or tribal court in the 3 years prior to date of the filing of this **petition**. **RCW 9.96.060(2)(h)**.
- I have provided proof that the crime victim penalty assessment (RCW 7.68.035) has been paid in full, except where the conviction being vacated is for the crime of prostitution, prostitution loitering, or stay out of the area of prostitution.
- Restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.
- The offense was not any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9A.44 RCW (sex offense), except for failure to register as a sex offender under RCW 9A.44.132.
- The offense was not a conviction as described in RCW 46.61.5055.
- The offense was not patronizing a prostitute as described in RCW 9A.88.110.

Other Misdemeanor and Gross Misdemeanor Offenses

4. **Excluded Offenses:** I cannot vacate a conviction for the following offenses. RCW 9.96.060(2)(c)-(e):

- A violation of chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132.
- A violation of chapter 9.68 RCW (obscenity and pornography).
- A violation of chapter 9.68A RCW (sexual exploitation of children).
- A violent offense as defined in RCW 9.94A.030, or an attempt to commit a violent offense.
- Driving while under the influence (“DUI”) (RCW 46.61.502).
- Actual physical control while under the influence (RCW 46.61.504).
- Operating a railroad, **etc.**, while intoxicated (RCW 9.91.020).

5. [] **Prior Offense:** The offense for which I was convicted is considered a “prior offense” under RCW 46.61.5055 (see below), and all of the following are true:

- The prior offense is not a DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504). RCW 9.96.060(2)(d).

- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
- At least 3 years have passed since I completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- I have not had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense. RCW 9.96.060(2)(d).
- More than 10 years have passed since the date of the arrest for the prior offense. RCW 9.96.060(2)(d).
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition. RCW 9.96.060(2)(b).
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

A “prior offense” means (RCW 46.61.5055(14)):

Original Convictions, including equivalent local ordinances, for:

- Driving Under the Influence (DUI) (RCW 46.61.502) or an equivalent out-of-state conviction.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504) or an equivalent out-of-state conviction.
- Commercial Vehicle DUI/Physical Control (RCW 46.25.110).
- Watercraft DUI (RCW 79A.60.040(2)).
- Aircraft DUI (RCW 47.68.220).
- Nonhighway vehicle DUI (RCW 46.09.470(2)).
- Snowmobile DUI (RCW 46.10.490(2)).

Amended Convictions:

- **Originally charged with** DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); **but convicted of** Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), or Reckless Endangerment (RCW 9A.36.050) or an equivalent local ordinance. This section also applies for equivalent out-of-state convictions.
- **Originally charged with** Watercraft DUI (RCW 79A.60.040(2)) or an equivalent local ordinance, **but convicted of** Operating a Watercraft in a reckless manner (RCW 79A.60.040(1)) or an equivalent local ordinance.
- **Originally charged with** Aircraft DUI (RCW 47.68.220) or an equivalent local ordinance, **but convicted of** Operating an Aircraft in a careless or reckless manner (RCW 47.68.220) or an equivalent local ordinance.

Deferred Prosecution Granted for:

- Driving Under the Influence (DUI) (RCW 46.61.502), including local and out-of-state equivalents.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504), including local and out-of-state equivalents.

- Negligent Driving 1st (RCW 46.61.5249) or equivalent local ordinance if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI (RCW 46.61.502) or (Physical Control) (RCW 46.61.504), or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522).
- An equivalent out-of-state deferred prosecution for DUI or Physical Control, including a substance use disorder treatment program. (RCW 46.61.5055(14)(a)(xvi)).

Deferred Sentences for:

Originally charged with DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); but deferred sentence was imposed for Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or an equivalent local ordinance.

6. [] **Domestic Violence:** The offense for which I was convicted involves domestic violence and I have complied with the following conditions (RCW 9.96.060(2)(f)) and all the following statements are true:

- I provided the prosecuting attorney's office that prosecuted the offense with written notice of this petition. RCW 9.96.060(2)(f)(i).
- I filed the original notice with this court. RCW 9.96.060(2)(f)(i).
- I have not been convicted of 2 or more domestic violence offenses stemming from different incidents. RCW 9.96.060(2)(f)(ii).
- I have never signed an affidavit under penalty of perjury affirming that I have not previously had a conviction for a domestic violence offense, and a criminal history check reveals that I have had such a conviction, RCW 9.96.060(2)(f)(iii);
- It has been at least 5 years since I completed the terms and conditions of the sentence, including restitution/legal financial obligations and successful completion of any treatment ordered. RCW 9.96.060(2)(f)(iv).
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition. RCW 9.96.060(2)(b).
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

7. [] **Offenses not otherwise specified above,** and all the following statements are true:

- At least 3 years have passed since I completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition.

RCW 9.96.060(2)(b).


- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed one or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

I declare under penalty of perjury under the laws of the state of Washington that the foregoing and any attachments are, to the best of my knowledge, true and correct.

Signed  at (city or county) _____, Washington on (date) _____  

Defendant's Signature

Print Name

 Mailing Address, unless confidential:

Street Address or PO Box City State Zip

Compare Results

Old File:

**CrRLJ 09.0200 OrdMotVacateConviction_2021
07.pdf**

5 pages (153 KB)
7/21/2021 2:37:02 PM

versus

New File:

**CrRLJ 09.0200 OrdPetVacateConviction_2022
01.pdf**

5 pages (153 KB)
12/29/2021 3:37:02 AM

Total Changes

52

Content

19 Replacements
14 Insertions
19 Deletions

Styling and Annotations

0 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

County of _____ Court of Washington

_____ vs. _____ Plaintiff	No. Order on Petition Re: Vacating Conviction <input type="checkbox"/> Granted (ORVCJG) <input type="checkbox"/> Denied (ORVCJD)
_____ Defendant	Clerk's action required: 7

Order on Petition Re: Vacating Conviction

I. Basis

1. This matter comes before the court on defendant's petition for an order vacating misdemeanor or gross misdemeanor conviction(s) under RCW 9.96.060 and RCW 9.96.080. The court heard the arguments of the parties and considered the case records, files, and pleadings submitted on the matter.

II. Findings

2. Adequate notice [] was [] was not given to the appropriate parties and agencies.

Offense Committed as a Victim of Certain Crimes

3. [] **Conviction as Victim.** The offense for which the defendant was convicted was a misdemeanor or gross misdemeanor, and the conviction was a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, and the following are true:
- [] The defendant provided to the sentencing court or the sentencing court's successor, the defendant's statement of the specific facts and circumstances that prove by a preponderance of the evidence that the offense was committed as a result of being a victim of one of the above offenses by affidavit.
 - [] The defendant has no criminal charges pending in any court of this state or another state, or in any federal court for any crime other than prostitution.
 - [] The offense for which the defendant was convicted was a misdemeanor, and the defendant has not been convicted of a new crime in this state, another state, or tribal court in the 3 years prior to date of the filing of this petition.
 - [] The defendant provided proof that the crime victim penalty assessment (RCW

7.68.035) has been paid in full, except where the conviction being vacated is for the crime of prostitution, prostitution loitering, or stay out of the area of prostitution.

- Restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full by the defendant.
- The offense was not any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9A.44 RCW (sex offense), except for failure to register as a sex offender under RCW 9A.44.132.
- The offense was not a conviction as described in RCW 46.61.5055.
- The offense was not patronizing a prostitute as described in RCW 9A.88.110.

Other Misdemeanor and Gross Misdemeanor Offenses

4. **Excluded Offenses:** The defendant is ineligible to vacate the offense because it is one of the following offenses below.

RCW 9.96.060(2)(c)-(e):

- A violation of chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132.
- A violation of chapter 9.68 RCW (obscenity and pornography).
- A violation of chapter 9.68A RCW (sexual exploitation of children).
- A violent offense as defined in RCW 9.94A.030, or an attempt to commit a violent offense.
- Driving while under the influence (“DUI”) (RCW 46.61.502)
- Actual physical control while under the influence (RCW 46.61.504).
- Operating a railroad, etc. while intoxicated (RCW 9.91.020).

5. **Prior Offense:** The offense for which the defendant was convicted is considered a “prior offense” under RCW 46.61.5055 (see below), and the following are true:

- The prior offense is not a DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504). RCW 9.96.060(2)(d).
- The defendant has not been convicted of any new crimes in this state, another state, or federal or tribal court in the 3 years prior to the vacation application. RCW 9.96.060(2)(h).
- At least 3 years have passed since the defendant completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- The defendant has not had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense.
- More than 10 years has elapsed since the date of the arrest for the prior offense.
- There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).
- The defendant is not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. The defendant was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

A "prior offense" means (RCW 46.61.5055(14)):

Original Convictions, including equivalent local ordinances, for:

- Driving Under the Influence (DUI) (RCW 46.61.502) or an equivalent out-of-state conviction.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504) or an equivalent out-of-state conviction.
- Commercial Vehicle DUI/Physical Control (RCW 46.25.110).
- Watercraft DUI (RCW 79A.60.040(2)).
- Aircraft DUI (RCW 47.68.220).
- Nonhighway vehicle DUI (RCW 46.09.470(2)).
- Snowmobile DUI (RCW 46.10.490(2)).

Amended Convictions:

- **Originally charged with** DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); **but convicted of** Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), or Reckless Endangerment (RCW 9A.36.050) or an equivalent local ordinance. This section also applies for equivalent out-of-state convictions.
- **Originally charged with** Watercraft DUI (RCW 79A.60.040(2)) or an equivalent local ordinance, **but convicted of** Operating a Watercraft in a reckless manner (RCW 79A.60.040(1)) or an equivalent local ordinance.
- **Originally charged with** Aircraft DUI (RCW 47.68.220) or an equivalent local ordinance, **but convicted of** Operating an Aircraft in a careless or reckless manner (RCW 47.68.220) or an equivalent local ordinance.

Deferred Prosecution Granted for:

- Driving Under the Influence (DUI) (RCW 46.61.502), including local and out-of-state equivalents.
- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504), including local and out-of-state equivalents.
- Negligent Driving 1st (RCW 46.61.5249) or equivalent local ordinance if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI (RCW 46.61.502) or (Physical Control) (RCW 46.61.504), or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522).
- An equivalent out-of-state deferred prosecution for DUI or Physical Control, including a substance use disorder treatment program. (RCW 46.61.5055(14)(a)(xvi)).

Deferred Sentences for:

Originally charged with DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); but deferred sentence was imposed for Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or an equivalent local ordinance.

6. [] **Domestic Violence:** The offense for which the defendant was convicted does involve domestic violence and the defendant complied with the following conditions (RCW 9.96.060(2)(f)) and the following are true:
- [] The defendant provided the prosecuting attorney's office that prosecuted the

offense with written notice of defendant's **petition**. RCW 9.96.060(2)(f)(i).

- The defendant filed the original notice with this court. RCW 9.96.060(2)(f)(i).
- The defendant has not been convicted of 2 or more domestic violence offenses stemming from different incidents. RCW 9.96.060(2)(f)(ii).
- The defendant has never signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction. RCW 9.96.060(2)(f)(iii).
- It has been at least 5 years since the defendant completed the terms and conditions of the sentence, including restitution/legal financial obligations and successful completion of any treatment ordered, RCW 9.96.060(2)(f)(iv).
- The defendant has not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application.
- There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the **petition**. RCW 9.96.060(2)(b).
- The defendant is not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. The defendant was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

7. **Offenses not otherwise specified above, and the following are true.**

- At least 3 years have passed since the defendant completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(g).
- The defendant has not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to the vacation application. RCW 9.96.060(2)(h).
- There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the **petition**. RCW 9.96.060(2)(b).
- The defendant is not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. The defendant was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

III. Order

8. Based on the above findings, it is ordered:

The **petition** for order vacating conviction records of the following offense(s) is granted.

Count No: _____ Offense: _____

Count No: _____ Offense: _____

Count No: _____ Offense: _____

IT IS FURTHER ORDERED that:

The defendant's guilty plea(s) for the offense(s) is/are withdrawn and a not guilty plea is entered, or the guilty verdict for the offense(s) is/are set aside.

The charging document is dismissed and the judgment and sentence is vacated for the offense(s) listed above.

The defendant shall be released from all penalties and disabilities resulting from the offense(s) listed above. For all purposes, including responding to questions on employment or housing applications, the defendant may state that they have never been convicted of that offense.

However, this order does not affect the requirements for restoring the right to possess a firearm under RCW 9.41.040.

The fact that the defendant has been convicted of the offense shall not be included in defendant's criminal history for purposes of determining a sentence in any subsequent conviction, except that a vacated conviction qualifies as a prior conviction for the purpose of charging a later recidivist offense as defined in RCW 9.94A.030. A vacated conviction may be used for other purposes in a later criminal prosecution with the following exception: when a court vacates a record of domestic violence as defined in RCW 10.99.020, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) violating the provisions of a restraining order, a no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or (ii) stalking.

A vacated conviction for domestic violence is not considered a conviction of such an offense for the purposes of 27 C.F.R. § 478.11, regarding reinstatement of firearms or explosives rights.

The clerk of the court shall immediately transmit a certified copy of this order to the Washington State Patrol and to (local law enforcement agency) _____

_____ which agencies shall immediately update their records to reflect the vacation of the conviction of the offense listed in this section. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation (FBI). The Washington State Patrol or local law enforcement agency may not disseminate or disclose a conviction that has been vacated under RCW 9.96.060 to any person, except to other criminal justice enforcement agencies. RCW 9.96.060(8).

9. [] The petition for order vacating conviction records of the following offense(s) is denied.

Count No: _____ Offense: _____

Count No: _____ Offense: _____

Count No: _____ Offense: _____

Dated: _____

JUDGE/COMMISSIONER

Submitted by: _____

Approved: _____

Defendant/Attorney for Defendant/WSBA #

Deputy Prosecuting Attorney/WSBA #

Print Name

Print Name

Compare Results

Old File:

CrRLJ 09.0300
InstructVacateMisdConvictions_2021 07.pdf

2 pages (251 KB)
7/21/2021 2:38:01 PM

versus

New File:

CrRLJ 09.0300
InstructVacateMisdConvictions_2022 01.pdf

2 pages (252 KB)
12/29/2021 3:41:08 AM

Total Changes

36

Content

27 Replacements
4 Insertions
5 Deletions

Styling and Annotations

0 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

INSTRUCTIONS FOR VACATING MISDEMEANOR AND GROSS MISDEMEANOR CONVICTIONS

1. BACKGROUND INFORMATION

Washington law permits the vacation of some misdemeanor or gross misdemeanor convictions. Vacation of a conviction releases you from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated may state that they have never been convicted of that crime.

Once a conviction is vacated, the fact that you have been convicted of the offense shall not be included in your criminal history for purposes of determining a sentence in any subsequent conviction. Although a vacated conviction will not be used for subsequent sentencing purposes, it may be used for other purposes in a later criminal prosecution with the following exception:

When a court vacates a record of domestic violence, as defined in RCW 10.99.020, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or (ii) stalking.

A vacated conviction for domestic violence is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11, regarding reinstatement of firearms or explosives rights.

Vacation of a conviction does not automatically restore your right to possess a firearm.

The law does not automatically vacate your conviction. If you want to have a conviction vacated, you must file a **petition** with the court. The following information will assist you in asking the court to vacate your conviction.

2. CHOOSING THE CORRECT FORM

a. Marijuana Offenses

If you qualify for vacating a marijuana conviction, use form CrRLJ 09.0800, *Motion and Declaration for Order Vacating Marijuana Conviction*. A court will vacate the conviction(s), if you meet the following criteria for marijuana offenses:

- You were 21 years of age or older at the time of the offense.
- Marijuana offenses eligible to be vacated include, but are not limited to:
 - Any offense under RCW 69.50.4014 from July 1, 2004 onward;
 - RCW 69.50.401(e) from March 21, 1979 to July 1, 2004;
 - RCW 69.50.401(d) from May 21, 1971 to March 21, 1979; and
 - any equivalent misdemeanor ordinance.

See Section 3 to schedule the hearing, file your motion, and notify the prosecutor's office.

b. Offenses Committed as the Victim of Certain Crimes

If you were the victim of sex-trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence and you committed an offense because you were such a victim, you can file a **petition** asking the court to vacate the conviction. Use form CrRLJ 09.0100, *Petition and Declaration for Order Vacating Conviction*. Review and fill out Sections 1, 2, and 3 of the form. Review each of the requirements listed on the **petition** to make sure you are eligible.

Complete the statement explaining how the crime you committed was caused by being a victim of either **sex-trafficking**, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence.

Note: You may request assistance from the prosecuting authority in preparing and/or filing a petition.

c. All Other Misdemeanor and Gross Misdemeanor Offenses

If you want to vacate an offense other than a marijuana conviction or a conviction which occurred because you were a victim as described in Section 2.b above, you can file a **petition** asking the court to vacate the conviction(s) if you have satisfied certain requirements.

To determine if you are eligible, use form CrRLJ 09.0100, *Petition and Declaration for Order Vacating Conviction*. Review and fill out sections 1, 2, 4, 5, 6, and 7 of the form. You will fill out different sections of the form depending on if your offense is a DUI-related “prior offense,” a domestic violence offense, or an offense not otherwise covered by other sections in the form. Review each of the requirements listed on the appropriate section of the form to ensure you are eligible.

In order to complete the form, you may need to obtain information from the court file or the court docket for the offense(s) you are asking the court to vacate. Some courts may require you to obtain copies of your criminal history records and attach them to your **petition**. Read the local court rules or contact the clerk of the court where you will file your **petition** to find out if this requirement or any other local requirement applies to you. Once you have completed and signed the **petition** and declaration form, make at least 2 copies (1 copy for the prosecutor’s office and 1 copy for yourself).

3. **SCHEDULE THE HEARING, FILE YOUR MOTION/PETITION, AND PROVIDE A COPY TO THE PROSECUTOR’S OFFICE**

The next step is to schedule a hearing for the **motion/petition** for order vacating conviction. To schedule a hearing, contact the clerk of the court where you were sentenced and ask for the date and time for the hearing. Then, complete the form that the court uses to schedule a hearing. If the court does not require a specific form, you may use CrRLJ 09.0150, *Notice of Hearing to Vacate Conviction*. Make at least 2 copies of the scheduling notice (1 copy for the prosecutor’s office and 1 copy for yourself).

File the original **motion/petition** and declaration for order vacating conviction and the original notice document with the clerk. On the same day that you file those documents with the clerk of the court, you must also provide a copy of each document (the **motion/petition** and declaration and the scheduling notice) to the prosecuting attorney’s office that prosecuted you. Keep a copy of the scheduling notice, the **motion/petition** and declaration, and any attachments for your information.

The judge will hear your **motion/petition** for order vacating conviction on the day scheduled for the hearing. You will need to attend the hearing. If the **motion/petition** is granted, the judge will complete an order vacating your conviction. The clerk of the court will send a copy of the order to the Washington State Patrol and to the local law enforcement agency, if any, which holds criminal history information about you.

LEGAL FINANCIAL OBLIGATION (LFO) FORMS

Due to the significant changes to the Legal Financial Obligation (LFO) forms—CR 08.0800 *Petition re: Legal Financial Obligations* and CR 08.0810 *Order re: Legal Financial Obligations*—please download the new LFO forms on our list of all forms page at this quick link:
<https://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#WaiveLFO>