

5323-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Kline, Constantine, Hargrove and Thibaudeau)

Brief Description: Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses.

SB 5323-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense.

Declares that if the court finds the applicant meets the tests prescribed in this act, the court may in its discretion vacate the record of conviction by: (1)(a) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (b) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and

(2) The court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.