
Community Safety Committee

HB 1110

Brief Description: Vacating convictions for driving under the influence.

Sponsors: Representatives Ortiz-Self, Goodman, Reed, Simmons, Peterson and Wylie.

Brief Summary of Bill

- Authorizes a court to vacate a record of conviction of Driving Under the Influence (DUI), Actual Physical Control While Under the Influence (PC), or a prior offense for DUI or PC if the person has not had a subsequent alcohol or drug-related traffic conviction within five years of the date of conviction.
- Provides that a vacated record of conviction of DUI, PC, or a prior offense to DUI or PC qualifies as a prior offense in a later criminal prosecution of, and sentencing for, a DUI or PC if the later prosecution is within 15 years of the date of the conviction.

Hearing Date: 1/21/25

Staff: Lena Langer (786-7192).

Background:

Vacating Misdemeanor or Gross Misdemeanor Conviction Records.

A person convicted of a misdemeanor or gross misdemeanor offense, who has completed all the terms of the sentence and has met other statutory criteria, may apply to the sentencing court for a vacation of the record of conviction. A conviction may not be vacated if:

- any criminal charges are pending against the applicant;
- the offense or attempted offense was violent;
- the offense was for Driving Under the Influence (DUI), Actual Physical Control While

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Under the Influence (PC), Operating a Railroad While Intoxicated, or the offense is a prior for DUI or PC and the applicant has had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense or less than 10 years have passed since the date of arrest for the prior offense;

- the offense was any misdemeanor or gross misdemeanor related to sexual exploitation of children, pornography, or sex offenses except for Failure to Register as a Sex Offender;
- the conviction was for a domestic violence offense and specific criteria has not been met, or less than five years have elapsed since the person completed the terms of the conditions of the sentence;
- the offense is not related to domestic violence and less than three years have passed since the later of the applicant's release from supervision or probation, the applicant's release from confinement, or the applicant's sentencing date;
- the applicant has subsequent convictions in the three years prior to the vacation application; or
- the applicant has a current restraining order in place.

If the court finds the applicant does not have any restrictions listed above, the court may vacate the record of conviction by permitting the applicant to withdraw the guilty plea and enter a plea of not guilty; or if the applicant was convicted after a plea of not guilty, the court may set aside the guilty verdict, dismiss the complaint, and vacate the judgement and sentence.

Once the court vacates a record of conviction, the person is released from all penalties resulting from the offense and the fact that the person has been convicted of the offense may not be included in the person's criminal history in determining a sentence in a subsequent conviction, except a conviction vacated on or after July 28, 2019 qualifies as a prior conviction for the purpose of charging a present recidivist offense.

The vacated conviction may be used in a later criminal prosecution, except vacated domestic violence offenses may not be used unless the conviction was for:

- violating the provisions of a restraining order or similar order;
- stalking; or
- a domestic violence protection order or vulnerable adult protection order.

Summary of Bill:

A person convicted of DUI, PC, or a prior offense to DUI or PC who has completed all the terms of the sentence and has not had a subsequent alcohol or drug-related traffic conviction within five years of the date of conviction may apply to the sentencing court for a vacation of the record of conviction.

A vacated record of conviction of DUI, PC, or a prior offense to DUI or PC qualifies as a prior offense in a later criminal prosecution of DUI or PC if the later prosecution is within 15 years of the date of the conviction for the vacated record. If a person has a subsequent conviction of DUI or PC within 15 years of the date of the conviction for the vacated conviction, the court may use

the vacated conviction in determining a sentence or determining whether the subsequent conviction qualifies as a felony DUI.

A vacated conviction of DUI, PC, or prior offense to DUI or PC qualifies as a prior conviction in determining a sentence for a subsequent conviction of Vehicular Homicide if the offense occurred while the driver was under the influence.

Appropriation: None.

Fiscal Note: Requested on January 15, 2025.

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