

**KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON**

STATE OF WASHINGTON, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">_____, Defendant.</p>	No. _____ PETITION AND DECLARATION TO VACATE CONVICTION – CRIME VICTIM (SEX OR DOMESTIC VIOLENCE)
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CHOOSING THE CORRECT FORM

Washington law authorizes a court to vacate a misdemeanor or gross misdemeanor conviction in six separate situations. You must submit the correct petition to vacate conviction. Your options are –

- (1) Cannabis conviction – RCW 9.96.060(5) (form 950765);
- (2) Controlled Substance Treatment completed – RCW 9.96.060(6) (form 950770);
- (3) Crime Victim (Sex or Domestic Violence) – RCW 9.96.060(3); .080 (form 950775);
- (4) Prostitution Homicide Victim – RCW 9.96.060(7) (form 950780);
- (5) Treaty Indian Fishing Rights conviction – RCW 9.96.060(4) (form 950785); and
- (6) Vacation when none of the above apply – RCW 9.96.060(2) (form 950760).

Use this form 950775 when the conviction you want vacated is because you are under (3) above.

1. PETITION

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(3) and RCW 9.96.080, the case record and files, and the declaration of defendant.

DATED – _____

/s/ Signed Electronically

Defendant/Defendant’s Attorney, WSBA No.

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

2. DECLARATION OF DEFENDANT

I, (name) _____ state as follows –

2.1 **Conviction(s)**. On (date) _____, I was convicted of the following offense(s) in this case –

Count No. 1 Offense – _____

Count No. 2 Offense – _____

Count No. 3 Offense – _____

Count No. 4 Offense – _____

Count No. 5 Offense – _____

2.2 **Prohibited Offenses**. I understand that the Court cannot vacate my conviction if I was convicted of any the following offenses (RCW 9.96.080(3)) –

- **DUI**. Driving while under the influence (RCW 46.61.502).
- **Physical Control**. Actual physical control while under the influence (RCW 46.61.504).
- **Patronizing A Prostitute**. Patronizing a prostitute (RCW 9A.88.110).
- **Obscenity And Pornography**. A violation of chapter 9.68 RCW.
- **Sex Offenses**. A violation of chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132.

2.3 **Qualifying Conviction – Sex Or Domestic Violence Victim**. The conviction must have been a result of my 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. RCW 9.96.096(3); RCW 9.96.080(1).

2.4 **Three Years – No New Conviction**. I have not been convicted of any new crime in this state, another state, or tribal court in the 3 years prior to this vacation petition being filed. RCW 9.96.080(2)(c).

2.5 **Restitution**. RCW 9.96.080(2)(e) –

___ **No Restitution Ordered**. No restitution was ordered on the conviction being vacated.

___ **Restitution Paid In Full**. Restitution was ordered on the conviction being vacated. Restitution owed to any victim has been paid in full (excluding restitution owed to any insurance provider under Title 48 RCW).

2.6 **No Pending Charges.** There are no criminal charges pending against me in any court of this state or another state, or in any federal court for any crime as of the date I file this petition. RCW 9.96.080(2)(b).

_____ **Prostitution.** Except there are prostitution criminal charges pending against me as follows (include court, case number, charge, statutory violation, status of case) (RCW 9.96.080(2)(b)) –

2.7 **Proof A Victim.** I state that the following specific facts and circumstances prove by a preponderance of evidence that the offense I committed in this case was a result of my being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence (attach additional pages if necessary) (RCW 9.96.080(2)(a)) –

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, and that I am the person whose name I typed (or wrote) below.

SIGNED at (city) _____, (state) _____ on (date) _____.

/s/ Signed Electronically

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

WHAT ELSE DO I NEED TO DO?

1. **Schedule Hearing.** Schedule a hearing by preparing a Notice of Hearing to Vacate Conviction (form 950790).
2. **Make 2 Copies.** Make 2 copies of the Petition to Vacate Conviction and 2 copies of the Notice of Hearing to Vacate Conviction (1 copy for the prosecutor and 1 copy for yourself).
3. **File Documents.** File the original Petition to Vacate Conviction and the original Notice of Hearing to Vacate Conviction with the Court.
4. **Copies To Prosecutor.** On the same day you file the documents with the Court, provide a copy of the Petition to Vacate Conviction and Notice of Hearing to Vacate Conviction to the prosecutor.
5. **Appear.** Appear for your hearing.
6. **Order.** You do not need to prepare an order because the Judge will do so at the hearing.