

## EXPUNGEMENT CHECKLIST

### Do I qualify for an expungement with the Washington State Patrol?

The Washington State Patrol (WSP) expunges nonconviction information based on the criteria outlined in the Revised Code of Washington (RCW) [10.97.060](#). If you have nonconviction information on your state and/or federal record, you may be eligible for expungement under this RCW. To see if you may qualify, please read the following RCW and follow the steps on page 2.

If it appears you meet all the qualifications, you may mail the request to WSP, where a final determination will be made on whether the information will be expunged. There is no fee for this request and you will be notified of any action taken upon completion of your request. Please note that your request is subject to further review once it is received by WSP and may be returned to you, stating the reason for denial.

If you do not qualify for expungement with WSP, please contact the [court](#) for more information.

### **RCW 10.97.060 Deletion of certain information, conditions.**

Criminal history record information which consists of nonconviction data only shall be subject to deletion from criminal justice agency files which are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a named or otherwise identified individual when two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or upon the passage of three years from the date of arrest or issuance of a citation or warrant for an offense for which a conviction was not obtained unless the defendant is a fugitive, or the case is under active prosecution according to a current certification made by the prosecuting attorney.

Such criminal history record information consisting of nonconviction data shall be deleted upon the request of the person who is the subject of the record: PROVIDED, HOWEVER, That the criminal justice agency maintaining the data may, at its option, refuse to make the deletion if:

- (1) The disposition was a deferred prosecution or similar diversion of the alleged offender;
- (2) The person who is the subject of the record has had a prior conviction for a felony or gross misdemeanor;
- (3) The individual who is the subject of the record has been arrested for or charged with another crime during the intervening period.

Nothing in this chapter is intended to restrict the authority of any court, through appropriate judicial proceedings, to order the modification or deletion of a record in a particular cause or concerning a particular individual or event.

**\*\*Please note that completion of this process with the WSP Criminal History Records Section does not affect records maintained by the [court](#) in the Judicial Information System (JIS). Please contact the court of origin regarding deletion of your record from JIS.\*\***

**STEP 1:**

If 2 years have elapsed and the final disposition (this is a court or prosecutor's judgment) is:

Dismissed	Continue to Step 2
Dropped	Continue to Step 3
No Charge Filed	Continue to Step 3
Not Guilty	Continue to Step 3
Prosecution Declined	Continue to Step 3
Released – No Charge	Continue to Step 3
Stricken	Continue to Step 3
Acquitted	Continue to Step 3
Unavailable	Continue to Step 3
Guilty	STOP – You are not eligible for deletion with WSP
Vacated	STOP – You are not eligible for deletion with WSP
Bail Forfeiture	STOP – You are not eligible for deletion with WSP
Pardoned	STOP – You are not eligible for deletion with WSP
Not Guilty by Reason of Insanity	STOP – You are not eligible for deletion with WSP

**STEP 2:**

If your dismissal was entered:

After an Appeal	Continue to Step 3
Stay of Proceedings	Continue to Step 3
Stipulated Order of Continuance (SOC)	Continue to Step 3
Agreed Order of Continuance (AOC)	Continue to Step 3
After Diversion	STOP – You are not eligible for deletion with WSP
After Deferral (includes Other Deferral)	STOP – You are not eligible for deletion with WSP

**STEP 3:**

Do you have any of the following in Washington State:

Prior gross misdemeanor conviction	STOP – You are not eligible for deletion with WSP
Prior felony conviction	STOP – You are not eligible for deletion with WSP
Arrests, charges, or convictions during intervening period: Intervening period is from the arrest date requested for expungement to the date the expungement is processed by WSP.	STOP – You are not eligible for deletion with WSP
None of the Above	Continue to Step 4

**STEP 4:**

Complete the WSP [Request for Expungement/Deletion of Non-Conviction Records](#) and mail to:

Washington State Patrol  
ATTN: Criminal History Records Section  
PO Box 42633  
Olympia WA 98504-2633