

Washington



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Washington, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in Washington is currently "as a result" of trafficking. This is less restrictive than other states and allows more survivors to access relief.

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Washington is silent on whether a hearing is required, potentially allowing for a petition for relief to be granted without a hearing. However, this language is not specific, meaning a hearing may be required. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

NEEDS IMPROVEMENT:

Absence of Other Charges:

In Washington, survivors cannot clear their records of the charges they incurred while being trafficked if they have any other charges pending, a separate criminal record in the state, or are in the process of trying to clear records in another state. Many survivors have a long history of arrests and convictions connected to their victimization. States should consider survivors' circumstances and experiences and eliminate these restrictions, which serve no purpose other than to delay relief that a person is entitled to under the law.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Washington is inadequate because relief only applies to misdemeanor offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Washington would expand the statute to include all offenses so more survivors are eligible for relief.

Satisfaction of Restitution Paid:

Washington requires that a survivor pays in full the restitution ordered for any offense before they can apply for relief to clear that offense from their record. This condition ignores that the conviction should not have happened in the first place.



Statute: [Wash. Rev. Code Ann. 9.96.080.](#)