
ENGROSSED SUBSTITUTE HOUSE BILL 1815

State of Washington

69th Legislature

2025 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Peterson, Cortes, and Goodman)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to prison riot offenses; amending RCW 9.94.049
2 and 9.94A.640; adding a new section to chapter 9.94A RCW; adding new
3 sections to chapter 13.40 RCW; creating a new section; and providing
4 an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9.94.049 and 2021 c 243 s 5 are each amended to read
7 as follows:

8 (1)(a) For the purposes of this chapter, except for RCW 9.94.010,
9 the term "correctional institution" means any place designated by law
10 for the keeping of persons held in custody under process of law, or
11 under lawful arrest, including state prisons, county and local jails,
12 juvenile detention centers, and other facilities operated by the
13 department of corrections, department of children, youth, and
14 families, or local governmental units primarily for the purposes of
15 punishment, correction, or rehabilitation following conviction or
16 adjudication of a criminal offense.

17 (b) For the purposes of RCW 9.94.010, the term "correctional
18 institution" means any place designated by law primarily for the
19 keeping of persons age 18 or older held in custody under process of
20 law, or under lawful arrest, including state prisons, county and
21 local adult jails, and other facilities operated by the department of

1 corrections, or local governmental units primarily for the purposes
2 of punishment, correction, or rehabilitation following conviction or
3 adjudication of a criminal offense. For the purposes of RCW 9.94.010,
4 the term "correctional institution" does not include facilities
5 operated by the department of children, youth, and families or county
6 juvenile detention facilities.

7 (2) For the purposes of RCW 9.94.043 and 9.94.045, "state
8 correctional institution" means all state correctional facilities
9 under the supervision of the secretary of the department of
10 corrections used solely for the purpose of confinement of convicted
11 felons.

12 **Sec. 2.** RCW 9.94A.640 and 2021 c 237 s 2 are each amended to
13 read as follows:

14 (1) (~~Every~~) Except as provided in subsection (5) of this
15 section, every offender who has been discharged under RCW 9.94A.637
16 may apply to the sentencing court for a vacation of the offender's
17 record of conviction. If the court finds the offender meets the tests
18 prescribed in subsection (2) of this section, the court may clear the
19 record of conviction by: (a) Permitting the offender to withdraw the
20 offender's plea of guilty and to enter a plea of not guilty; or (b)
21 if the offender has been convicted after a plea of not guilty, by the
22 court setting aside the verdict of guilty; and (c) by the court
23 dismissing the information or indictment against the offender.

24 (2) An offender may not have the record of conviction cleared if:

25 (a) There are any criminal charges against the offender pending
26 in any court of this state or another state, or in any federal court;

27 (b) The offense was a violent offense as defined in RCW 9.94A.030
28 or crime against persons as defined in RCW 43.43.830, except the
29 following offenses may be vacated if the conviction did not include a
30 firearm, deadly weapon, or sexual motivation enhancement: (i) Assault
31 in the second degree under RCW 9A.36.021; (ii) assault in the third
32 degree under RCW 9A.36.031 when not committed against a law
33 enforcement officer or peace officer; and (iii) robbery in the second
34 degree under RCW 9A.56.210;

35 (c) The offense is a class B felony and the offender has been
36 convicted of a new crime in this state, another state, or federal
37 court in the ten years prior to the application for vacation;

1 (d) The offense is a class C felony and the offender has been
2 convicted of a new crime in this state, another state, or federal
3 court in the five years prior to the application for vacation;

4 (e) The offense is a class B felony and less than ten years have
5 passed since the later of: (i) The applicant's release from community
6 custody; (ii) the applicant's release from full and partial
7 confinement; or (iii) the applicant's sentencing date;

8 (f) The offense was a class C felony, other than a class C felony
9 described in RCW 46.61.502(6) or 46.61.504(6), and less than five
10 years have passed since the later of: (i) The applicant's release
11 from community custody; (ii) the applicant's release from full and
12 partial confinement; or (iii) the applicant's sentencing date; or

13 (g) The offense was a felony described in RCW 46.61.502 or
14 46.61.504.

15 (3) If the applicant is a victim of sex trafficking,
16 prostitution, or commercial sexual abuse of a minor; sexual assault;
17 or domestic violence as defined in RCW 9.94A.030, the victim or the
18 prosecutor of the county in which the victim was sentenced may apply
19 to the sentencing court or the sentencing court's successor to vacate
20 the victim's record of conviction for a class B or class C felony
21 offense using the process in RCW 9.94A.648. When preparing or filing
22 the petition, the prosecutor is not deemed to be providing legal
23 advice or legal assistance on behalf of the victim, but is fulfilling
24 an administrative function on behalf of the state in order to further
25 their responsibility to seek to reform and improve the administration
26 of criminal justice. A record of conviction vacated using the process
27 in RCW 9.94A.648 is subject to subsection (4) of this section.

28 (4)(a) Except as otherwise provided, once the court vacates a
29 record of conviction under subsection (1) of this section, the fact
30 that the offender has been convicted of the offense shall not be
31 included in the offender's criminal history for purposes of
32 determining a sentence in any subsequent conviction, and the offender
33 shall be released from all penalties and disabilities resulting from
34 the offense. For all purposes, including responding to questions on
35 employment applications, an offender whose conviction has been
36 vacated may state that the offender has never been convicted of that
37 crime. A conviction that has been vacated under this section may not
38 be disseminated or disclosed by the state patrol or local law
39 enforcement agency to any person, except other criminal justice
40 enforcement agencies. Nothing in this section affects or prevents the

1 use of an offender's prior conviction in a later criminal
2 prosecution, and nothing in this section affects the requirements for
3 restoring a right to possess a firearm under RCW 9.41.040.

4 (b) A conviction vacated on or after July 28, 2019, qualifies as
5 a prior conviction for the purpose of charging a present recidivist
6 offense occurring on or after July 28, 2019, and may be used to
7 establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

8 (5) Every person convicted of a prison riot offense under RCW
9 9.94.010 who was incarcerated in a facility operated by the
10 department of children, youth, and families or a county juvenile
11 detention facility at the time of the offense may apply to the
12 sentencing court for a vacation of the applicant's record of
13 adjudication or conviction for the offense. If an applicant qualifies
14 under this subsection, the court shall vacate the record of
15 conviction or adjudication.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A
17 RCW to read as follows:

18 (1) In any criminal case where an offender has been sentenced for
19 an offense where a conviction or adjudication for a prison riot
20 offense that occurred in a facility operated by the department of
21 children, youth, and families or a county juvenile detention facility
22 was used as a basis for the offender's sentence, the prosecuting
23 attorney shall, or the offender may, make a motion for relief from
24 sentence to the original sentencing court.

25 (2) The sentencing court shall grant the motion for relief from
26 sentence established in this section if it finds that a current or
27 past conviction or adjudication for a prison riot offense that
28 occurred in a facility operated by the department of children, youth,
29 and families or a county juvenile detention facility was used as a
30 basis for the offender's sentence and shall immediately set an
31 expedited date for resentencing. At resentencing, the court shall
32 sentence the offender as if the current or past conviction for a
33 prison riot offense that occurred in a facility operated by the
34 department of children, youth, and families or a county juvenile
35 detention facility did not occur.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40
37 RCW to read as follows:

1 (1) In any juvenile offender case where an offender has been
2 sentenced for an offense where an adjudication for a prison riot
3 offense that occurred in a facility operated by the department of
4 children, youth, and families or a county juvenile detention facility
5 was used as a basis for the offender's sentence or disposition, the
6 prosecuting attorney shall, or the offender may, make a motion for
7 relief from disposition to the original court that imposed the
8 disposition.

9 (2) The court that imposed the disposition shall grant the motion
10 for relief from disposition established in this section if it finds
11 that a current or past adjudication for a prison riot offense that
12 occurred in a facility operated by the department of children, youth,
13 and families or a county juvenile detention facility was used as a
14 basis for the offender's disposition and shall immediately set an
15 expedited date for resentencing. At resentencing, the court shall
16 impose a disposition as if the current or past adjudication for a
17 prison riot offense that occurred in a facility operated by the
18 department of children, youth, and families or a county juvenile
19 detention facility did not occur.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40
21 RCW to read as follows:

22 (1) The department shall establish rules for including prison
23 riot behavior as described in RCW 9.94.010(1) as an infraction that
24 is managed through the internal behavioral management infraction
25 system.

26 (2) By August 1, 2025, the department shall respond to prison
27 riot behavior as described in RCW 9.94.010(1) that occurs in an
28 institution using the internal behavioral management infraction
29 system.

30 (3) The department may impose an infraction using the internal
31 behavioral management infraction system for offenses that were
32 vacated under section 2 of this act when appropriate.

33 NEW SECTION. **Sec. 6.** Section 1 of this act applies
34 retroactively to all prison riot convictions or adjudications and
35 prison riot offenses that have been charged.

1 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2025.

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