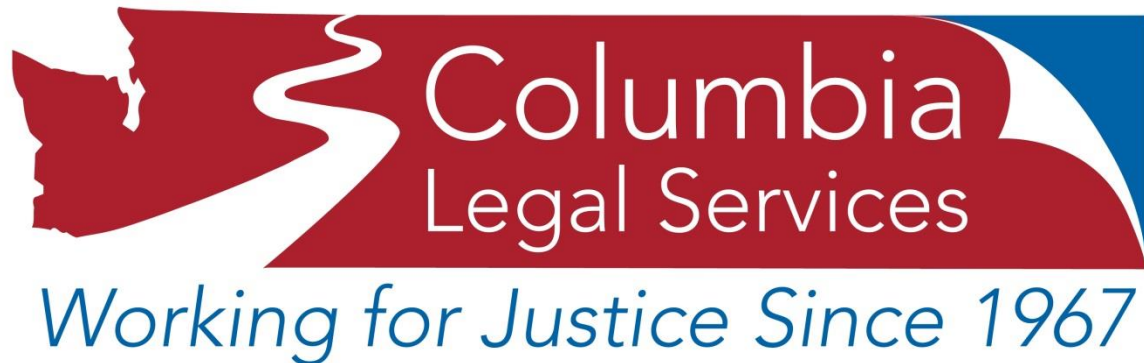


# Certificates of Restoration of Opportunity

HB 1553 Implementation Training

06/10/2016



# What is CROP?

- [HB 1553](#)

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/1553-S.SL.pdf>

- **Certificate of Restoration of Oppportunity**
  - Reduces barriers
  - Restores eligibility for occupational licenses

# Who can get a CROP?

- Applies to adults AND juveniles
- Available to those who meet certain criteria

# Who can get a CROP?

## 1. Conviction History

- No class A felonies
- No sex offenses
- Certain other crimes

# Who can get a CROP?

2. Waiting Period: time passed since sentencing date or release from incarceration
  - a. **1 year** for misdemeanor or gross misdemeanor with no incarceration
  - b. **1.5 years** for misdemeanor or gross misdemeanor with jail time
  - c. **2 years** for class B or C felony
  - d. **5 years** for a violent offense

# Who can get a CROP?

## 3. Compliance with all sentencing requirements

### — LFOs:

- is current in payments,
- has completely paid off LFOs, **or**
- has good cause to not be making payments

# Who can get a CROP?

## 4. No new

- arrests
- convictions, **or**
- pending charges

# Where to get a CROP?

- Must go to a qualified court
  - Superior Court where applicant resides OR
  - Superior Court where applicant has been sentenced/adjudicated
    - If adjudicated in a court of limited jurisdiction, go to Superior Court in same county



# How to get a CROP?

## 1. File CROP as a new civil action in a qualified court

– [GR 34](#): filing fee waived for those who are indigent:

[https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=GR&ruleid=gagr34](https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr34)

- Client currently **receives assistance** under a needs-based, means-tested assistance program (TANF, GA-U/GA-X, SSI, FSP, veteran's benefits)
- Household income at or below **125% of FPL**
- Household income above 125% of FPL if other recurring basic living expenses render an **inability to pay**
- Client **working with QLSP** is presumed indigent with declaration from counsel that client was screened
- **Other compelling circumstances** that demonstrate an inability to pay
- [Forms](#) available

<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=87>

# How to get a CROP?

## 2. Fill out and submit AOC [forms](#)

- Petition for Certificate of Restoration of Opportunity
- Notice of Filing a Petition for Certificate of Restoration of Opportunity
- Proof of Service of Notice of Filing a Petition for Certificate of Restoration of Opportunity.

<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=102>

# How to get a CROP?

3. Applicant must gather information to demonstrate eligibility:
  - Criminal history
  - Date of release from confinement
  - Date of sentencing if no confinement

# Criminal history checks:

## dw.courts.wa.gov

Washington Courts - Search

dw.courts.wa.gov

WASHINGTON COURTS

Courts Home | Search Case Records

Search | Site Map | eService Center

Home | Summary Data & Reports | Resources & Links | Get Help

**NOTE:**  
For Franklin, Lewis, Snohomish, Thurston and Yakima Superior Courts, Please use this link to search cases. <https://odysseyportal.courts.wa.gov/odyportal>

### Search for a case

**Find My Court Date**  
Use this search to find out when you need to appear in district or municipal court. The search tool returns a case summary and, where applicable, calendar information and a list of case activities (docket).

**Case Search Options**  
Use this search if you already know information about a case.

**Case Number** Find a case in a court for a provided case number.

**Person Name** Find cases in a court for a provided person name.

**Business Name** Find cases in a court for a provided business name.

The search tool returns a case summary and, where applicable, calendar information and a list of case activities (docket).

**Attorney's Search**  
If you are an attorney, use this search to view district and municipal court proceedings associated with your Bar Number. You can also get your daily district/municipal court calendar e-mailed to you every morning.

### Search for a person

**Name Search**  
Use this search to find people. If you enter a person's name, the search tool searches across court levels and returns a list of people that match the name you typed. You can then search cases which involve that person.

**Licensed Health Facility Search**  
Use this search to find people with active Vulnerable Adult Protection orders. This information is provided for use as reference material and is not the official court record. The official court record is maintained by the court of record. Copies of case file documents are not available at this website and will need to be obtained from the court of record.

### Disclaimer

**What is this website?** It is a search engine for cases filed in the municipal, district, superior, and appellate courts of the state of Washington. The search results can point you to the official or complete court record.

**How can I obtain the complete court record?**  
You can contact the court in which the case was filed to view the court record or to order copies of court records.

**How can I contact the court?**  
Click [here](#) for a court directory with information on how to contact every court in the state.

**Can I find the outcome of a case on this website?**  
No. You must consult the local or appeals court record.

**How do I verify the information contained in search results?**  
You must consult the court record to verify all information.

**Can I use the search results to find out someone's criminal record?**  
No. The Washington State Patrol (WSP) maintains state criminal history record information. Click [here](#) to order criminal history information.

**Where does the information come from?**  
Clerks at the municipal, district, superior, and appellate courts across the state enter information on the cases filed in their courts. The search engine will update approximately twenty-four hours from the time the clerks enter the information. This website is maintained by the Administrative Office of the Court for the State of Washington.

**Do the government agencies that provide the information for this site and maintain this site:**

- ▶ **Guarantee that the information is accurate or complete?**  
NO
- ▶ **Guarantee that the information is in its most current form?**  
NO
- ▶ **Guarantee the identity of any person whose name appears on these pages?**  
NO
- ▶ **Assume any liability resulting from the release or use of the information?**  
NO

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[Home](#) | [Summary Data & Reports](#) | [Resources & Links](#) | [Get Help](#)
**NOTE:**

For Franklin, Lewis, Snohomish, Thurston and Yakima Superior Courts, Please use this link to search cases.  
<https://odysseyportal.courts.wa.gov/odyportal>

## Name Search Results

**Directions:**

- If the case was filed in Superior or Appellate Court, there may be docket information available. Docket information is not available for Municipal & District Court Cases.
- Click on a highlighted name to get docket information for this case.
- The court of record must be contacted for verification and any further information.

14 names match your search criteria.

Name	Court	Case Number	Judgment Record	Court Information
1 [REDACTED] Defendant	[REDACTED] District	Y8-[REDACTED] 1		[REDACTED]-2008
2 [REDACTED] Defendant	[REDACTED] District	Y8-[REDACTED] 1		[REDACTED]-2008
3 [REDACTED] DEFENDANT	[REDACTED] Superior	08-2-[REDACTED] 9	Available	[REDACTED]-2008
4 [REDACTED] Defendant	[REDACTED] District	Y9-[REDACTED] 7		[REDACTED]-2009
5 [REDACTED] Defendant	[REDACTED] District	Y9-[REDACTED] 8		[REDACTED]-2009
6 [REDACTED] DEFENDANT	[REDACTED] Superior	01-1-[REDACTED] 8	Available	[REDACTED]-2001
7 [REDACTED] Defendant	[REDACTED] Ct	1000-[REDACTED] 8		[REDACTED]-2006
8 [REDACTED] Defendant	[REDACTED] Ct	1000-[REDACTED] 5		[REDACTED]-2006
9 [REDACTED] Defendant	[REDACTED] Ct	142-[REDACTED] 5		[REDACTED]-2003
10 [REDACTED] Defendant	[REDACTED] Municipal	693-0-[REDACTED]		[REDACTED]-2000
11 [REDACTED] Defendant	[REDACTED] Ct	10-[REDACTED] 570		[REDACTED]-2006
12 [REDACTED] DEFENDANT	[REDACTED] Superior	00-1-[REDACTED] 7	Available	[REDACTED]-2000
13 [REDACTED]	[REDACTED]	99-3-0-[REDACTED]		[REDACTED]-1999

## About Lists of Names

**About Name List**

These are the names that the search tool found from the information you entered.

**Disclaimer**

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SCANNED

10

LEA

FILED IN OPEN COURT  
7-23-20-09  
WHATCOM COUNTY CLERK

By

Deputy

SUPERIOR COURT OF WASHINGTON  
COUNTY OF WHATCOM

STATE OF WASHINGTON, Plaintiff,

vs.

Defendant.

DOB: [REDACTED]

No. [REDACTED]

## JUDGMENT AND SENTENCE (FJS)

JAIL ONE YEAR OR LESS

[XX] CLERK'S ACTION REQUIRED-para 4.1 (LFO'S),  
4.3 (NCO) , (10.99)

## I. HEARING

1.1 The court conducted a sentencing hearing July 23, 2009 and the defendant, [REDACTED] the defendant's lawyer, [REDACTED], and the Deputy Prosecuting Attorney, [REDACTED] were present.

## II. FINDINGS

There being no reason why judgment should not be pronounced in accordance with the proceedings in this case, the Court FINDS:

2.1 CURRENT OFFENSE(S): The defendant is guilty of the following offenses based upon a PLEA:

COUNT	CRIME	TYPE OF DRUG	RCW	DATE OF CRIME
1	BURGLARY IN THE SECOND DEGREE	NOT APPLICABLE ON THIS COUNT	9A.52.030(1)	[REDACTED]
1/2	VIOLATION OF NO CONTACT ORDER - DV	NOT APPLICABLE ON THIS COUNT	26.50.110(1)	[REDACTED]

as charged in the Amended Information.

[XX] The crime(s) charged in this cause involve domestic violence.

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	A or J	TYPE OF CRIME
-------	------------------	-----------------------------------	--------	---------------

Judgment and Sentence (JS) (Felony)  
(RCW 9.94A.500, .505) WPP CR 84.0400 (6/2002)

LEA

JIS/M  
cc: wcsd/BPD

# Criminal history checks:

## watch.wsp.wa.gov

WATCH Overview - Washi x

State of Washington [US] https://fortress.wa.gov/wsp/watch/

Wednesday, June 8, 2016 Not Logged in

WSP Washington Access To Criminal History WATCH

FAQs Forms Help Guide Login

WATCH · Overview

WATCH

- [Login using a Pre-Established Account](#)
- [Establish a New Credit Card Account](#)

### Background check fees:

- Name and Date of Birth - online - \$12 each
- Notary Request - online - \$10 each
- Name and Date of Birth - mailed request - \$16
- Fingerprint based - \$38
- Fingerprint service - WSP, Identification and Criminal History Section in Olympia, WA- \$19
- Fingerprint service - Local Law Enforcement Agencies - varies [Fingerprint Locations](#)

For further background check information click on the FAQ link above .

### Important Introductory Information:

The Washington State Patrol Identification and Criminal History Section (WASIS) has established this web site as the official Internet source providing **criminal history conviction records for the state of Washington only**.

This database is comprised of records sent to WASIS by courts and criminal justice agencies throughout the state of Washington only. This database includes conviction information, arrests less than one year old with dispositions pending, and information regarding registered sex and kidnap offenders. The WSP criminal history file also contains additional information such as arrest records that is not open to the general public.

The Criminal Records Privacy Act specifies criminal history dissemination guidelines. Conviction data may be released without restriction. Non-conviction information is not available to the public. Legislation requires that information be kept about the person requesting the report, such as target of the search, the name of the person requesting the search, and date the search was conducted.

**WASIS cannot guarantee the records you obtain through this site relate to the person on whom you are seeking information. Searches based**





# How to get a CROP?

4. Provide notice to prosecutor in county where filing
  - Send copy of application
  - If sentenced by any other jurisdiction w/in last 5 years, must notify prosecutors in those counties as well

*Note: Prosecutor in county of CROP filing will provide the court with the criminal history report*

# How to get a CROP?

## 5. Court will decide without a hearing

- BUT court may decide to hold hearing if questions
- Court can decide whether CROP applies to entire criminal history or only the convictions from its jurisdiction

# How to get a CROP?

## 6. Clerk will send CROP to State Patrol

- When employers or landlords do criminal history check, CROP will appear
- Does NOT apply to future criminal justice involvement

# What will a CROP do?

1. Occupational Licenses: a person with a CROP may not be denied an occupational license solely on the basis of the criminal record (w/ some exceptions)
2. Employers & housing providers: may decide whether to consider a CROP, but are not legally required to do so

# Exceptions to the effect of a CROP

1. CROP does not apply to some occupations:
  - Law enforcement
  - License to practice law
  - Many licenses involving financial responsibility or fiduciary duty
  - Many licenses involving work with vulnerable people
  - Some licenses related to health care

# Exceptions to the effect of a CROP

## 2. Some licensing agencies have discretion:

- DSHS and DOH can deny solely on basis of criminal record, even w/ a CROP, but ONLY IF an individual inquiry is done pertaining to:
  - Nature and seriousness of offense
  - Time since incarceration
  - Changed circumstances
  - Nature of employment/license sought

*Note: If denied a license, applicant should request a hearing*

# What a CROP will NOT do

1. Does not impact abuse and neglect registry
2. Does not restore firearms rights
3. Does not *remove* any information from a criminal record

# CROP in Action

Joe Smith lives in Seattle with his spouse and their two children. He is currently employed as a custodian making \$30,000/yr. He was convicted of Theft 2 (a class C felony) in 2006 and served two years in DOC. Prior to that, he was convicted of two misdemeanors in 1998 – Malicious Mischief 3 and Theft 3. All of his convictions are from Yakima County. He has no other criminal history. Joe owes \$1200 in outstanding LFO's, but makes regular monthly payments of \$10/month, as required by his payment plan. He would like to apply for a CROP.



Superior Court of Washington  
County of King

Joe Smith  
Petitioner (name of defendant or  
respondent in criminal or juvenile offender  
case)

vs.

State of Washington, Respondent

Civil Case No.: \_\_\_\_\_.

**Petition for Certificate of Restoration of  
Opportunity  
(PT)**

Petitioner asks the court for an order issuing a Certificate of Restoration of Opportunity that applies to ☒ all Washington state convictions or adjudications listed in Petitioner's Declaration or ☐ only these Washington state convictions or adjudications:

Court and Location	Cause Number	Offense/s (as listed in sentencing documents)	Date of Sentence	Date of Release from Confinement

This petition is based upon Laws of 2016, ch. 81, §§ 2 and 3, Petitioner's Declaration, and the relevant court records.

Dated: June 10, 2016

Joe Smith  
Petitioner/ Petitioner's Attorney/ WSBA #

Joe Smith  
Print Name

**Petitioner's Declaration:**

I, Joe Smith, declare as follows:

## 1. Qualified Court

This superior court is a qualified court because this is the county where:

- ☒ I reside; or  
☐ I was sentenced or adjudicated on any of the convictions or adjudications for which I am seeking the certificate.

## 2. Notice to Prosecuting Attorney/s

I provided the prosecuting attorney in this county with written notice of this petition.

- ☐ I was sentenced by another jurisdiction in the five years before filing this petition. I provided written notice of this petition to the prosecuting attorney office/s in each of those jurisdictions, including Washington state, federal, tribal, and courts of other states.

*Copies of the notices sent to each prosecuting attorney must be attached.*

### 3. Convictions or adjudications

*(Notice of this petition must be given to the prosecuting attorneys for the jurisdictions listed in this section where I was sentenced within the last five years.)*

***In this county:*** I was convicted or adjudicated of the following offense(s)  
(list most recent criminal history first)

[illegible]

--	--	--	--	--

☐ Additional criminal history is attached.

**Not in this County:** I was convicted or adjudicated of the following offense(s) in other counties in Washington state, other states, federal court, tribal courts, district courts, or municipal courts:

*(list most recent criminal history first)*

Court and Location	Cause Number	Offense/s (as listed in sentencing documents)	Date of Sentence	Date of Release from Confinement (if you were confined)
Yakima Superior	06-1-33333-3	Theft 2	01/01/2006	03/03/2008
Yakima Dist. Ct.	98-1-44444-4	Malicious Mischief 3	02/02/1998	N/A
Yakima Dist. Ct.	98-1-55555-5	Theft 3	02/02/1998	N/A

☐ Additional criminal history is attached.

**I qualify for a certificate because:**

**4. I meet the timeline requirements as to all Washington convictions or adjudications because:**

***As to each misdemeanor or gross misdemeanor or equivalent juvenile adjudication:***

- ☐ Does not apply.
- ☒ One year has passed since a Washington state court sentenced me to probation, a deferred sentence, or other noncustodial sentence.
- ☐ 18 months have passed since I was released from total or partial confinement in a jail, prison, or juvenile facility in Washington state.

***As to each Class B or C felony or equivalent juvenile adjudication:***

- ☐ Does not apply.
- ☒ Two years have passed since I was:
- ☐ sentenced by a Washington state court to probation, a deferred sentence, or other noncustodial sentence.
  - ☒ released from total or partial confinement in a jail, prison, or juvenile facility in Washington state.

***As to each violent offense as defined in RCW 9.94A.030 or an equivalent juvenile adjudication:***

- ☒ Does not apply.

- ☐ Five years have passed since I was:
- ☐ sentenced by a Washington state court to probation, a deferred sentence, or other noncustodial sentence.
  - ☐ released from total or partial confinement in a jail, prison, or juvenile facility in Washington state.

**5. I am in compliance with all sentencing requirements imposed by any court**

- ☒ I am in compliance with or have completed the terms of my sentence for each offense listed in section 3, including legal financial obligations.

**Conditions of Sentence:** I have attached the Judgment and Sentence or Adjudication Order for each conviction or adjudication and proof that I completed or that I am in compliance with the conditions.

**Legal Financial Obligations:** I have attached evidence as to each conviction or adjudication that:

- ☐ I paid all of my legal financial obligations in full; or
- ☒ I am fully compliant with all payment plans; or
- ☐ I am out of compliance with a payment plan and have good cause for my non-compliance.

**6. I have never been convicted of any of the following offenses:**

- A Class A felony, an attempt to commit a Class A felony.
- Criminal solicitation of or criminal conspiracy to commit a Class A felony.
- A sex offense (as defined RCW 9.94A.030).
- A crime that includes sexual motivation (RCW 9.94A.835, RCW 13.40.135, or RCW 9.94A.535(3)(f)).
- First degree extortion under RCW 9A.56.120.
- Drive-by shooting under RCW 9A.36.045.
- Vehicular assault under RCW 46.61.522(1) (a) or (b).
- Luring under RCW 9A.40.090.

**7. No sex offender registration**

I am not required to register as a sex offender pursuant to RCW 9A.44.130.

**8. No new crimes**

I have not been arrested for nor convicted of any crime since my most recent conviction listed above and there are no criminal charges pending against me in any court of this state, or another state, or in any federal or tribal court.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city and state) Seattle, WA, on (date) June 10, 2016.

► Joe Smith

Signature of Petitioner

Joe Smith

Print or Type Name

**Superior Court of Washington**

**County of** King

Joe Smith

Petitioner (name of defendant or  
respondent in criminal or juvenile offender  
case)

vs.

State of Washington, Respondent

**Civil Case No.:** \_\_\_\_\_

**Notice of Filing a Petition for Certificate  
of Restoration of Opportunity  
(NT)**

To: Prosecuting Attorney's Office in this county  
Prosecuting Attorney's Office in the following other jurisdictions:  
(List the other jurisdictions where you have been sentenced in the five years before you filed your  
petition.)

\_\_\_\_\_  
\_\_\_\_\_.

On June 10, 2016 (date), I filed a Petition for Certificate of  
Restoration of Opportunity with the court clerk in this county.

Dated: June 10, 2016

► Joe Smith

Petitioner's signature

Joe Smith

Print Name

1234 1<sup>st</sup> Ave

Address

Seattle, WA 98123

Superior Court of Washington  
County of King

Joe Smith

Petitioner (name of defendant or  
respondent in criminal or juvenile offender  
case)

vs.

State of Washington, Respondent

Civil Case No.: \_\_\_\_\_

**Proof of Service of Notice of Filing a  
Petition for Certificate of Restoration of  
Opportunity  
(AFSR)**

I declare:

1. I am (check one): ☒ the Petitioner ☐ (name): \_\_\_\_\_  
and am competent to be a witness in this case.
2. On (date): June 10, 2016, I served (gave) a copy of the Notice of Filing a  
Petition for Certificate of Restoration of Opportunity to the Prosecuting Attorney's Office  
in  
(county): King at the following address:

_____	<u>Seattle</u>	<u>WA</u>	<u>98104</u>
address	city	state	zip

by:

☒ mail

☐ personal delivery at \_\_\_\_\_ (time).

I declare under penalty of perjury under the laws of the state of Washington that the statements  
on this form are true.

Signed at (city and state): Seattle, WA Date: June 10, 2016

► Joe Smith

Joe Smith

# Where to get help?

- Columbia Legal Services, Reentry Clinic
- Two clinics per month in Seattle
  - 2<sup>nd</sup> Monday, 2:45-4:45, King Co. Public Law Library
  - 4<sup>th</sup> Tuesday, 2:30-4:30, FareStart
  - Can accommodate other schedules/conflicts
- **Call 206-287-8625 for appointment**

