

# FACT SHEET: DC VACATUR

## VACATUR OF CONVICTIONS FOR SURVIVORS OF SEX TRAFFICKING IN DC

### Trafficking Survivors Relief Amendment Act of 2018

- o Allows for victims of sex trafficking to vacate (cancel or declare invalid) their convictions and expunge/seal criminal records for certain offenses committed as part of their trafficking
- o Recognizes that “convictions arising from conduct that was the direct result of being a victim of trafficking are essentially wrongful convictions” and that “[i]nstead of sealing the records for those convictions, the best remedy is to nullify the conviction altogether.”<sup>1</sup>

Forms of Relief for Survivors		
Vacatur	Expungement	Record Sealing
<ul style="list-style-type: none"> <li>o Nullification (invalidation) of a conviction; intended to restore an individual to the status he or she occupied prior to the arrest or conviction</li> <li>o Movants must have been convicted of an eligible offense*</li> </ul>	<ul style="list-style-type: none"> <li>o Destruction or alteration of criminal records or the removal of information that identifies a specific individual.</li> <li>o Records may be expunged after a conviction is vacated OR if a movant was arrested and/or prosecuted but not convicted.</li> </ul>	<ul style="list-style-type: none"> <li>o Removal of criminal records (conviction, prosecution, arrest) from publicly available sources.</li> <li>o Court records showing that the movant filed for vacatur/expungement and the motion was granted can also be sealed.</li> </ul>

### \*What are **eligible criminal offenses**?

- o Any criminal offense under the D.C. Code, except an ineligible offense.<sup>2</sup>

**Ineligible offenses** include but are not limited to: assault with intent to kill or poison, or to commit first or second-degree sexual abuse, or child sexual abuse; sex trafficking of children; murder in the first or second degree; solicitation of murder; armed carjacking; first degree sexual abuse; first degree child sexual abuse; an act of terrorism.<sup>3</sup>

### What type of **motion** can I file?

- o Motion to vacate and expunge (or seal) a conviction of an eligible offense; or
- o Motion to expunge (or seal) an arrest and/or prosecution that terminated without conviction for an eligible or ineligible offense.

### What **evidence** should I use?

- o survivor’s affidavit or sworn testimony
- o official documentation of status as trafficking survivor

### When should I file?

- o After all criminal proceedings against the person related to the offenses that are the subject of the motion are completed AND the person completes any sentence of incarceration, commitment, probation, parole, or supervised release related to the offenses that are the subject of the motion.<sup>4</sup>

### What do I need to **prove**?

**survivor of trafficking**  
 +  
**convicted of eligible offense OR charged with but NOT convicted of (i.e., arrested or prosecuted without conviction) eligible or ineligible offense**  
 +  
**survivor’s conduct resulting in conviction/arrest/prosecution was direct result of trafficking**

Amara Legal Center is dedicated to serving the legal needs of survivors of sex trafficking.

1629 K St. NW, Suite 300  
 Washington, DC 20006  
 Email: [info@amaralegal.org](mailto:info@amaralegal.org)  
 Phone: (240) 257-6492  
[www.amaralegal.org](http://www.amaralegal.org)

<sup>1</sup> DC Council Committee Report on Bill 22-0329 at 21 (Sept. 20, 2018)

<sup>2</sup> D.C. Code Ann. § 22-1831(5A)

<sup>3</sup> D.C. Code Ann. §§ 22-1831(5B) (A) - (V)

<sup>4</sup> D.C. Code Ann. §§ 22-1844(e)(1)-(2)

