

**EXPUNGEMENT OF JUVENILE RECORDS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brent H. Goodfellow**

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR THE EXPUNGEMENT OF ALL REFERENCES TO THE PETITIONER IN THE RECORDS UPON THE GRANTING OF AN EXPUNGEMENT, BUT NOT THE DESTRUCTION OR SEALING OF THE RECORDS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**78-3a-905**, as last amended by Chapter 365, Laws of Utah 1997

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78-3a-905** is amended to read:

**78-3a-905. Expungement of juvenile court record -- Petition -- Procedure.**

(1) (a) Any person who has been adjudicated under this chapter may, after the expiration of one year from the date of termination of the continuing jurisdiction of the juvenile court or, in case he was committed to a secure youth corrections facility, one year from the date of his unconditional release from the facility, petition the court for the expungement of his record in the juvenile court.

(b) (i) Upon the filing of a petition, the court shall set a date for a hearing and shall notify the county attorney or, if within the prosecution district, district attorney, and the agency with custody of the records of the pendency of the petition and of the date of the hearing.

(ii) The county attorney or district attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(2) (a) If the court finds upon the hearing that the petitioner has not been convicted of a felony or of a misdemeanor involving moral turpitude since the termination of the court's jurisdiction or his unconditional release from a secure youth corrections facility and that no proceeding involving [the] a felony or misdemeanor is pending or being instituted against him, and if the court further finds that the rehabilitation of the petitioner has been attained to the satisfaction

of the court, it shall order sealed all records in the petitioner's case in the custody of the juvenile court and any records in the custody of any other agency or official pertaining to the petitioner's adjudicated juvenile court cases, except fingerprint records. Fingerprint records shall be retained in the custody of the juvenile court and any other agency or official. Copies of the order shall be sent to each agency or official named in the order and any entity notified of the original adjudication under Subsection 78-3a-118(1)(b). To avoid destruction or sealing of the records in whole or in part, the agency or entity receiving the expungement order shall only expunge all references to the petitioner's name in the records pertaining to the adjudicated juvenile court cases. The petitioner, based on good cause, may petition the court to expunge the records in whole or in part.

(b) Upon the entry of the order, the proceedings in the petitioner's case shall be considered never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter only be permitted by the court upon petition by the person who is the subject of the records, and only to persons named in the petition.