

H.B. 21

EXPUNGEMENT REVISIONS

Representative **Julie Fisher** proposes the following amendments:

1. Page 16, Lines 484 through 489:

484 The bureau shall collect fees for the following services:

* * * *Some lines not shown* * * *

485 (1) applicant fingerprint card as determined by Section 53-10-108;

486 (2) bail enforcement licensing as determined by Section 53-11-115;

487 (3) concealed firearm permit as determined by Section 53-5-707;

488 (4) [~~expungement~~] application for and issuance of a certificate of eligibility for expungement as

489 determined by Section [~~77-18-11~~] 77-40-106;

2. Page 36, Line 1104 through Page 37, Line 1111:

1104 (4) (a) ~~{A petitioner may expunge one felony conviction.~~

1105 ~~—(b) A petitioner may expunge three misdemeanor convictions, not arising out of a~~
1106 ~~single criminal episode.~~

1107 ~~—(c) A petitioner may not expunge more than four convictions, not arising out of a single~~
1108 ~~criminal episode. This restriction applies regardless of the jurisdiction in which the~~

1109 ~~expungement was obtained.}~~ A petitioner is not eligible to receive a certificate of eligibility from the
bureau for any record of conviction if the petitioner's criminal history contains:

(i) more than one criminal episode which contains a conviction for a crime that would be a felony under
Utah law;

(ii) more than two criminal episodes which contain a conviction for a crime that would be a class A
misdemeanor or felony under Utah law; or

(iii) more than three criminal episodes which contain a conviction for a crime that would be a class B or A
misdemeanor or felony under Utah law.

(b) A petitioner may not expunge more than four criminal episodes which contain a conviction for a crime
that would be any type of misdemeanor or felony under Utah law.

1110 ~~{(d)}~~ (c) Infractions are not included in determining the total number of
~~{convictions}~~ criminal episodes a person

1111 may expunge.

(d) The restrictions in this Subsection (4) apply regardless of whether the petitioner has expunged
any convictions or any criminal episodes and regardless of the jurisdiction in which the expungement
occurred.

3. Page 37, Lines 1124 through 1132:

1124 (2) (a) The bureau shall perform a check of records of governmental agencies,
1125 including national criminal data bases, to determine whether a petitioner is eligible to receive a
1126 certificate of eligibility under this chapter.

(b) For purposes of determining eligibility under this chapter, the bureau may review records of arrest, investigation, detention and conviction that have been previously expunged.

1127 ~~{(b)}~~ (c) If the petitioner meets all of the criteria under Section 77-40-104 or 77-40-105, the
1128 bureau shall issue a certificate of eligibility to the petitioner which shall be valid for a period of
1129 90 days from the date the certificate is issued.

1130 ~~{(c)}~~ (d) If, after reasonable research, a disposition for an arrest on the criminal history file is
1131 unobtainable, the bureau may issue a special certificate giving determination of eligibility to
1132 the court.