

Senator Stuart C. Reid proposes the following substitute bill:

EXPUNGEMENT OF RECORDS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Stuart C. Reid

LONG TITLE

General Description:

This bill makes clarifying technical corrections regarding the release of information regarding expungements.

Highlighted Provisions:

This bill:

► clarifies that the bureau can release information regarding expungements under specific circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-40-108, as renumbered and amended by Laws of Utah 2010, Chapter 283

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

Section 1. Section **77-40-108** is amended to read:

77-40-108. Distribution of order -- Redaction -- Receipt of order --



26 **Administrative proceedings -- Bureau requirements.**

27 (1) The petitioner shall be responsible for delivering a copy of the order of
28 expungement to all affected agencies and officials including the court, arresting agency,
29 booking agency, Department of Corrections, and the bureau.

30 (2) Unless otherwise provided by law or ordered by a court of competent jurisdiction to
31 respond differently, a person who has received an expungement of an arrest or conviction
32 under this chapter may respond to any inquiry as though the arrest or conviction did not occur.

33 (3) The bureau shall forward a copy of the expungement order to the Federal Bureau of
34 Investigation.

35 (4) An agency receiving an expungement order shall expunge the petitioner's
36 identifying information contained in records in its possession relating to the incident for which
37 expungement is ordered.

38 (5) Unless ordered by a court to do so, or in accordance with Subsection 77-40-109(2),
39 a government agency or official may not divulge [~~identifying~~] information or records which
40 have been expunged regarding the petitioner contained in a record of arrest, investigation,
41 detention, or conviction after receiving an expungement order.

42 (6) (a) An order of expungement may not restrict an agency's use or dissemination of
43 records in its ordinary course of business until the agency has received a copy of the order.

44 (b) Any action taken by an agency after issuance of the order but prior to the agency's
45 receipt of a copy of the order may not be invalidated by the order.

46 (7) An order of expungement may not:

47 (a) terminate or invalidate any pending administrative proceedings or actions of which
48 the petitioner had notice according to the records of the administrative body prior to issuance of
49 the expungement order;

50 (b) affect the enforcement of any order or findings issued by an administrative body
51 pursuant to its lawful authority prior to issuance of the expungement order; or

52 (c) remove any evidence relating to the petitioner including records of arrest, which the
53 administrative body has used or may use in these proceedings.

54 (8) The bureau shall provide clear written directions to the petitioner along with a list
55 of agencies known to be affected by the order of expungement.