

SB0303S01 compared with SB0303

~~{Omitted text}~~ shows text that was in SB0303 but was omitted in SB0303S01

inserted text shows text that was not in SB0303 but was inserted into SB0303S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Expungement Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Stephanie Pitcher
House Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses expungement of criminal records.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies a term related to the expungement of criminal records;
- 9 ▶ ~~{provides that a petitioner is not eligible to receive a certificate of }~~ addresses eligibility for expungement ~~{of a conviction if }~~ when there is a ~~{civil }~~ criminal protective order, a criminal ~~{protective order }~~ stalking injunction, or a ~~{criminal stalking injunction in effect for the conviction }~~ civil protective order; and
- 12 ▶ addresses the numerical limits that make a petitioner ineligible to receive a certificate of eligibility for an expungement.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

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17 **Utah Code Sections Affected:**

18 AMENDS:

19 **77-40a-101** , as last amended by Laws of Utah 2025, Chapters 173, 239

20 **77-40a-303** , as last amended by Laws of Utah 2025, Chapters 239, 277 and 291

21

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

23 Section 1. Section **77-40a-101** is amended to read:

24 **77-40a-101. Definitions.**

As used in this chapter:

- 27 (1) "Agency" means a state, county, or local government entity that generates or maintains records
relating to an investigation, arrest, detention, or conviction for an offense for which expungement
may be ordered.
- 30 (2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention,
or conviction of an offense without the filing of a petition.
- 32 (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety
established in Section 53-10-201.
- 34 (4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record
and all records of arrest, investigation, and detention associated with a case that is the subject of a
petition for expungement is eligible for expungement.
- 37 (5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- 39 (6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- 41 (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- 42 (8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section
77-40a-205.
- 44 (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea
of guilty, or a plea of nolo contendere.
- 46 (10) "Court" means a district court or a justice court.
- 47 (11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- 49 (12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.
- 51 (13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.
- 53 (14) "Department" means the Department of Public Safety established in Section 53-1-103.

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- 54 (15) "Drug possession offense" means:
- 55 (a) an offense described in Subsection 58-37-8(2), except for:
- 56 (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more of marijuana;
- 58 (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility; or
- 60 (iii) an offense for driving with a controlled substance illegally in the person's body and negligently
causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah
2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- 64 (b) an offense described in Subsection 58-37a-5(1), use or possession of drug paraphernalia;
- 66 (c) an offense described in Section 58-37b-6, possession or use of an imitation controlled substance; or
- 68 (d) any local ordinance which is substantially similar to any of the offenses described in this Subsection
(15).
- 70 (16)
- (a) "Expunge" means to remove a record from public inspection by:
- 71 (i) sealing the record; or
- 72 (ii) restricting or denying access to the record.
- 73 (b) "Expunge" does not include the destruction of a record.
- 74 (17) "Indigent" means a financial status that results from a court finding that a petitioner is financially
unable to pay the fee to file a petition for expungement under Section 78A-2-302.
- 77 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the
United States or any foreign country.
- 79 (19)
- (a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.
- 81 (b) "Minor regulatory offense" includes an offense [~~under Section 76-9-110 or 76-9-1106.~~] for:
- 83 (i) unsanctioned camping on state property as described in Section 76-2-208;
- 84 (ii) public intoxication as described in Section 76-9-110;
- 85 (iii) buying or possessing a tobacco product or an electronic cigarette product as a minor as described in
Section 76-9-1106; or
- 87 (iv) allowing a vicious animal to go at large as described in Section 76-13-212.
- 88 (c) "Minor regulatory offense" does not include:
- 89 (i) any drug possession offense;
- 90 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

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- 92 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 93 (iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah Criminal Code; or
- 95 (v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through
(iv).
- 97 (20) "Petitioner" means an individual applying for expungement under this chapter.
- 98 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 99 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording,
electronic data, or other documentary material, regardless of physical form or characteristics, that:
- 102 (a) is contained in the agency's file regarding the arrest, detention, investigation, conviction, sentence,
incarceration, probation, or parole of an individual; and
- 104 (b) is prepared, owned, received, or retained by an agency, including a court.
- 105 (23) "Special certificate" means a document issued as described in Subsection 77-40a-304(1)(c) by
the bureau stating that the criminal record and all records of arrest, investigation, and detention
associated with the case do not clearly demonstrate whether the case is eligible for expungement.
- 109 (24)
- (a) "Traffic offense" means:
- 110 (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;
- 112 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41,
Chapter 6a, Traffic Code;
- 114 (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial
Responsibility of Motor Vehicle Owners and Operators Act;
- 116 (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53,
Chapter 3, Part 2, Driver Licensing Act;
- 118 (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73,
Chapter 18, State Boating Act; and
- 120 (vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i)
through (iii).
- 122 (b) "Traffic offense" does not include:
- 123 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
- 125 (ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's
security;

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- 127 (iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's
security;
- 129 (iv) an offense under Sections 73-18-13 through 73-18-13.6; or
- 130 (v) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i) or (ii).
- 132 (25) "Traffic offense case" means that each offense in the case is a traffic offense.
- 132 Section 2. Section **77-40a-303** is amended to read:
- 133 **77-40a-303. Requirements for a certificate of eligibility to expunge records of a conviction.**
- 136 (1) Except as otherwise provided by this section, a petitioner is eligible to receive a certificate of
eligibility from the bureau to expunge the records of a conviction if:
- 138 (a) the petitioner has paid in full all fines and interest ordered by the court related to the conviction for
which expungement is sought;
- 140 (b) the petitioner has paid in full all restitution ordered by the court under Section 77-38b-205; and
- 142 (c) the following time periods have passed after the day on which the petitioner was convicted or
released from incarceration, parole, or probation, whichever occurred last, for the conviction that the
petitioner seeks to expunge:
- 145 (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);
- 146 (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a controlled
substance in an individual's body and causing serious bodily injury or death, as codified before May
4, 2022, Laws of Utah 2021,_[
- 148]Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- 150 (iii) seven years for the conviction of a felony;
- 151 (iv) five years for the conviction of a drug possession offense that is a felony;
- 152 (v) five years for the conviction of a class A misdemeanor;
- 153 (vi) four years for the conviction of a class B misdemeanor; or
- 154 (vii) three years for the conviction of a class C misdemeanor or infraction.
- 155 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to expunge the
records of a conviction under Subsection (1) if:
- 157 (a) except as provided in Subsection (3), the conviction for which expungement is sought is:
- 159 (i) a capital felony;
- 160 (ii) a first degree felony;
- 161 (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);

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- 163 (iv) a felony conviction described in Subsection 41-6a-501(2); or
164 (v) an offense, or a combination of offenses, that require registration as a sex offender, kidnap offender,
or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Registry, at the
time of the application for the certificate of eligibility;
- 168 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against the petitioner,
unless the criminal proceeding is for a traffic offense;
- 170 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the petitioner,
unless the plea in abeyance is for a traffic offense;
- 172 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the petitioner is on
probation or parole for an infraction, a traffic offense, or a minor regulatory offense;
- 175 (e) the petitioner intentionally or knowingly provides false or misleading information on the application
for a certificate of eligibility;
- 177 ~~[(f) there is a civil protective order, a criminal protective order, or a criminal stalking injunction against
the petitioner that is in effect { for the conviction that the petitioner is seeking to expunge }]; or]~~
- 178 [(f) there is a criminal protective order or a criminal stalking injunction against the petitioner that is in
effect;
- 180 [(g) there is a civil protective order in effect for the petitioner and the civil protective order was issued
after July 1, 2020; or
- 180 ~~[(g)]~~ [(h) the bureau determines that the petitioner's criminal history makes the petitioner ineligible for a
certificate of eligibility under Subsection (4) or (5).
- 182 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as defined in
Section 76-3-209, if, at the time of the offense, a petitioner who committed the offense was at least
14 years old but under 18 years old, unless the petitioner was convicted by a district court as an
adult in accordance with Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 187 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate of
eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that
the petitioner's criminal history, including previously expunged convictions, contains any of the
following:
- 191 (a) two or more felony convictions other than for drug possession offenses, each of which is contained
in a separate criminal episode;

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- 196 (b) any combination of three or more convictions other than for drug possession offenses that include two class A misdemeanor convictions, each of which is contained in a separate criminal episode;
- (c) any combination of four or more convictions other than for drug possession offenses that include three class B misdemeanor convictions, each of which is contained in a separate criminal episode; or
- 199 (d) five or more convictions other than for drug possession offenses of any degree whether misdemeanor or felony, each of which is contained in a separate criminal episode.
- 202 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:
- 206 (a) three or more felony convictions for drug possession offenses, each of which is contained in a separate criminal episode; or
- 208 (b) any combination of five or more convictions for drug possession offenses, each of which is contained in a separate criminal episode.
- 210 (6) If the petitioner's criminal history contains convictions for both a drug possession offense and a non-drug possession offense arising from the same criminal episode, the bureau shall count that criminal episode as a conviction under Subsection (4) if any non-drug possession offense in that episode:
- 214 (a) is a felony or class A misdemeanor; or
- 215 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug possession offense in that episode.
- 217 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on which the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for all convictions:
- 220 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by one; and
- 222 (b) each numerical eligibility limit under Subsections (4)(c)~~[-and-(d)]~~, (4)(d), and (5) is not applicable if the highest level of convicted offense in the criminal episode is:
- 224 (i) a class B misdemeanor;
- 225 (ii) a class C misdemeanor;
- 226 (iii) a drug possession offense if none of the non-drug possession offenses in the criminal episode are a felony or a class A misdemeanor; or
- 228 (iv) an infraction.

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- 229 (8) When determining whether a petitioner is eligible for a certificate of eligibility under Subsection (4),
230 (5), or (7), the bureau may not consider a petitioner's pending case or prior conviction for:
- 232 (a) an infraction;
- 233 (b) a traffic offense;
- 234 (c) a minor regulatory offense; or
- 235 (d) a clean slate eligible case that was automatically expunged.
- 236 (9) If the petitioner received a pardon before May 14, 2013, from the Board of Pardons and Parole, the
petitioner is entitled to an expungement order for all pardoned crimes in accordance with Section
77-27-5.1.

241 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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