

# FY2022 EXPUNGEMENT DATA REPORT

ADMINISTRATIVE OFFICE OF THE COURTS — SEPTEMBER 19, 2022  
*Pursuant to Utah Code § 77-40a-107(1)*

The Administrative Office of the Courts submits the following FY2022 data report to the Executive Offices and Criminal Justice Appropriations Subcommittee and the Judiciary Interim Committee, pursuant to Utah Code § 77-40a-107(1), which states:

## **77-40a-107. Expungement data requirements -- Report.**

- (1) No later than November 1 of each year, the Administrative Office of the Courts shall submit a written report to the Executive Offices and Criminal Justice Appropriations Subcommittee and the Judiciary Interim Committee regarding expungement data for the preceding fiscal year, including:
  - (a) the number of petitions filed for expungement in the district, justice, and juvenile courts;
  - (b) the number of petitions granted for expungement in the district, justice, and juvenile courts;
  - (c) the number of orders issued for an automatic expungement by the district, justice, and juvenile courts;
  - (d) the total number of individuals for whom at least one automatic expungement order was issued by the district, justice, or juvenile court; and
  - (e) the total number of individuals for whom at least one petition-based expungement order was issued by the district, justice, or juvenile court.

## **Number of Petitions Filed for Expungement**

District & Justice: **6,634**  
Juvenile: **224**

## **Number of Petitions Granted for Expungement<sup>1</sup>**

District & Justice: **6,066**  
Juvenile: **195**

## **Number of Automatic Expungement Orders Issued**

District & Justice: **23,434<sup>2</sup>**  
Juvenile: **0<sup>3</sup>**

## **Number of Individuals for Whom at least One Automatic Expungement Order Issued**

District & Justice: **19,322**  
Juvenile: **0<sup>4</sup>**

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<sup>1</sup> The "Petitions Granted" data is intentionally limited to the same cohort of petitions identified in the "Petitions Filed" data directly above. Because some of those petitions were filed closer to the end of FY2022, they have not yet had sufficient time (as of the date of this report) to be resolved. The "Petitions Granted" data should therefore reasonably be anticipated to continue increasing over the coming months as the courts adjudicate those most-recently filed FY2022 petitions.

<sup>2</sup> Automatic expungement commenced on February 10, 2022. During the first months in operation, the courts artificially constrained the number of automatic expungement order to ensure the system was operating as intended. Since the end of FY2022, the rate of automatic expungement orders has accelerated. From July 1, 2022, through September 15, 2022 (which is not quite the entire first quarter of FY2023), **91,205** additional automatic expungement orders have been issued.

<sup>3</sup> There is no existing statutory mechanism to allow for automatic expungement in juvenile court, resulting in a zero value for this data point.

<sup>4</sup> See footnote 1.

## Number of Individuals for Whom at least One Petition-based Expungement Order Issued<sup>5</sup>

District & Justice: **3,510**

Juvenile: **195**<sup>6</sup>

In addition to the foregoing statutory reporting, staff to the Judiciary Interim Committee requested that the Administrative Office of the Courts also provide data related to the temporary suspension of expungement filing fees pursuant to **HB0392** — Expungement Fee Amendments — from the 2022 general legislative session. Across both district / justice and juvenile courts, the number of petitions filed after passage of HB0392 has decreased. The following data outlines the number of expungement petitions filed from May 4 through August 31 for CY2019, CY2021, and CY2022.<sup>7</sup>

### District and Justice Courts:

	<b>CY2019</b> <i>May 4 – August 31</i>	<b>CY2021</b> <i>May 4 – August 31</i>	<b>CY2022</b> <i>May 4 – August 31</i>
Petitions Filed	<b>2,830</b>	<b>2,532</b>	<b>2,032</b>
% with Filing Fee Paid	<b>88%</b>	<b>84%</b>	<b>0%</b>

### Juvenile Courts:

	<b>CY2019</b> <i>May 4 – August 31</i>	<b>CY2021</b> <i>May 4 – August 31</i>	<b>CY2022</b> <i>May 4 – August 31</i>
Petitions Filed	<b>123</b>	<b>89</b>	<b>91</b>
% with Filing Fee Paid	<b>74%</b>	<b>37%</b>	<b>0%</b>

<sup>5</sup> To identify individuals in district and justice courts, we searched for unique individuals based upon matches to the following criteria (in order listed): state identification number (SID); social security number information; driver license information. Any unmatched individual remaining after that matching routine was completed was also counted as a unique individual. This matching process is only as accurate as the underlying data entry.

These numbers separately report the number of individuals receiving a petition-based expungement in the adult trial courts (District and Justice) from the individuals receiving a petition-based expungement in the juvenile court. It is possible that a unique individual received an expungement in district / justice court **AND** in juvenile court. Such an individual would be counted in both sets of numbers. We have no existing mechanism to accurately identify those individuals, though we assume it is a relatively small subset of individuals in light of the statutory waiting periods to qualify for petition-based expungement.

<sup>6</sup> Because expungement in juvenile court applies to the entire juvenile delinquency history of the individual, the number of petitions granted necessarily correlates in a one-to-one relationship with the number of individuals who received a petition-based expungement in juvenile court.

<sup>7</sup> May 4 was chosen as a relevant starting date for each period to reflect the effective date of HB0392. The three calendar years were selected for the following reasons:

- **CY2019** = pre-pandemic data period
- **CY2021** = post-pandemic / pre-HB0392 data period
- **CY2022** = post-pandemic / post-HB0392 data period