



Utah House of Representatives

House Majority Caucus

2024 General Session

H.B. 352 Amendments to Expungement

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Background

The Clean Slate automatic expungement program has overwhelmed the capability of DPS and law enforcement agencies to process the potentially eligible cases:

- Since November 2022, the Administrative Office of the Courts has sent over **469,000 cases** to BCI to review for automatic expungement eligibility.
- Only 71,000 cases were able to be processed automatically.
- BCI manually processed an additional 86,000 cases.
- The result is a **backlog of 312,000 cases** that only continues to grow.
- Local law enforcement agencies have also faced the huge burden of scouring their records to identify what to expunge.

The current program also fails to effectively prioritize which cases to automatically expunge:

- A person with several felony counts could have their misdemeanors automatically expunged, even though those expungements likely will not make a meaningful difference in their ability to get housing or employment.
- Meanwhile, a person with a single misdemeanor crime for whom automatic expungement could make a real difference could be stuck in the backlog.
- We have also received reports of automatic expungements being processed for people who have already died or are imprisoned for violent felony crimes.

Key Policy Changes

Amends the automatic expungement program:

- Requires an individual to submit a simple form to receive an automatic expungement.
- Prohibits an automatic expungement if the individual is currently incarcerated, on probation, on parole, or has a pending criminal proceeding.

Increases access to fee waivers for expungement:

- Raises the income threshold for a fee waiver to 250% of the federal poverty line.
- Requires courts to consider the total number of offenses to be expunged when evaluating a fee waiver request.
- Requires a subsequent court to waive a filing fee for expungement if a previous court waived the filing fee within the past 180 days.
- Waives BCI's certificate of eligibility fees if the court grants a filing fee waiver.

Allows a court to expunge criminal records for a defendant who successfully completes a drug court program.