

77-40-108 Distribution of order -- Redaction -- Receipt of order -- Administrative proceedings -- Bureau requirements.

- (1)
 - (a) A person who receives an order of expungement under this chapter or Section 77-27-5.1 shall be responsible for delivering a copy of the order of expungement to all affected criminal justice agencies and officials including the court, arresting agency, booking agency, prosecuting agency, Department of Corrections, and the bureau.
 - (b) A person who receives an order of expungement under Section 77-27-5.1, shall pay a processing fee to the bureau, established in accordance with the process in Section 63J-1-504, before the bureau's record may be expunged.
- (2) Unless otherwise provided by law or ordered by a court of competent jurisdiction to respond differently, a person who has received an expungement of an arrest or conviction under this chapter or Section 77-27-5.1, may respond to any inquiry as though the arrest or conviction did not occur.
- (3) The bureau shall forward a copy of the expungement order to the Federal Bureau of Investigation.
- (4) An agency receiving an expungement order shall expunge the petitioner's identifying information contained in records in its possession relating to the incident for which expungement is ordered.
- (5) Unless ordered by a court to do so, or in accordance with Subsection 77-40-109(2), a government agency or official may not divulge information or records which have been expunged regarding the petitioner contained in a record of arrest, investigation, detention, or conviction after receiving an expungement order.
- (6)
 - (a) An order of expungement may not restrict an agency's use or dissemination of records in its ordinary course of business until the agency has received a copy of the order.
 - (b) Any action taken by an agency after issuance of the order but prior to the agency's receipt of a copy of the order may not be invalidated by the order.
- (7) An order of expungement may not:
 - (a) terminate or invalidate any pending administrative proceedings or actions of which the petitioner had notice according to the records of the administrative body prior to issuance of the expungement order;
 - (b) affect the enforcement of any order or findings issued by an administrative body pursuant to its lawful authority prior to issuance of the expungement order; or
 - (c) remove any evidence relating to the petitioner including records of arrest, which the administrative body has used or may use in these proceedings.

Amended by Chapter 20, 2013 General Session

Amended by Chapter 41, 2013 General Session