

Effective 5/13/2014

Superseded 5/10/2016

77-40-109 Retention and release of expunged records -- Agencies.

- (1) The bureau shall keep, index, and maintain all expunged records of arrests and convictions.
- (2)
 - (a) Employees of the bureau may not divulge any information contained in its index to any person or agency without a court order unless specifically authorized by statute.
 - (b) The following organizations may receive information contained in expunged records upon specific request:
 - (i) the Board of Pardons and Parole;
 - (ii) Peace Officer Standards and Training;
 - (iii) federal authorities, unless prohibited by federal law;
 - (iv) the Department of Commerce;
 - (v) the Department of Insurance;
 - (vi) the State Office of Education; and
 - (vii) the Commission on Criminal and Juvenile Justice, for purposes of investigating applicants for judicial office.
 - (c) A person or agency authorized by this Subsection (2) to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the court order or specific request, including distribution on a public website.
- (3) The bureau may also use the information in its index as provided in Section 53-5-704.
- (4) If, after obtaining an expungement, the petitioner is charged with a felony, the state may petition the court to open the expunged records upon a showing of good cause.
- (5)
 - (a) For judicial sentencing, a court may order any records expunged under this chapter or Section 77-27-5.1 to be opened and admitted into evidence.
 - (b) The records are confidential and are available for inspection only by the court, parties, counsel for the parties, and any other person who is authorized by the court to inspect them.
 - (c) At the end of the action or proceeding, the court shall order the records expunged again.
 - (d) Any person authorized by this Subsection (5) to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the court.
- (6) Records released under this chapter are classified as protected under Section 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to Records.