

Effective 7/1/2026

77-40a-101 Definitions.

As used in this chapter:

- (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.
- (2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention, or conviction of an offense without the filing of a petition.
- (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.
- (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.
- (5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- (8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section 77-40a-205.
- (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.
- (10) "Court" means a district court or a justice court.
- (11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.
- (13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.
- (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- (15) "Drug possession offense" means:
 - (a) an offense described in Section 76-18-207, 76-18-212, or 76-18-213, except for:
 - (i) an offense under Subsection 76-18-207(3)(a), possession of 100 pounds or more of marijuana;
 - (ii) an offense enhanced under Subsection 76-18-207(4)(b), violation in a correctional facility; or
 - (iii) an offense for driving with a controlled substance illegally in the individual'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);
 - (b) an offense described in Section 76-18-304, regarding use or possession of drug paraphernalia;
 - (c) an offense described in Section 76-18-403, regarding possession or use of an imitation controlled substance;
 - (d) an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in this Subsection (15); or
 - (e) any local ordinance which is substantially similar to any of the offenses described in this Subsection (15).
- (16)
 - (a) "Expunge" means to remove a record from public inspection by:
 - (i) sealing the record; or
 - (ii) restricting or denying access to the record.
 - (b) "Expunge" does not include the destruction of a record.
- (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.

- (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.
- (19)
- (a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.
 - (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
 - (c) "Minor regulatory offense" does not include:
 - (i) any drug possession offense;
 - (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (iii) an offense under Sections 73-18-13 through 73-18-13.6;
 - (iv) except as provided in Subsection (19)(b), an offense under Title 76, Criminal Offenses; or
 - (v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through (iv).
- (20) "Petitioner" means an individual applying for expungement under this chapter.
- (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- (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:
- (a) is contained in the agency's file regarding the arrest, detention, investigation, conviction, sentence, incarceration, probation, or parole of an individual; and
 - (b) is prepared, owned, received, or retained by an agency, including a court.
- (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.
- (24)
- (a) "Traffic offense" means:
 - (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;
 - (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41, Chapter 6a, Traffic Code;
 - (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
 - (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53, Chapter 3, Part 2, Driver Licensing Act;
 - (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73, Chapter 18, State Boating Act; and
 - (vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i) through (iii).
 - (b) "Traffic offense" does not include:
 - (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's security;
 - (iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's security;
 - (iv) an offense under Sections 73-18-13 through 73-18-13.6; or

(v) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i) or (ii).

(25) "Traffic offense case" means that each offense in the case is a traffic offense.

Amended by Chapter 291, 2026 General Session