

Effective 10/1/2024

77-40a-201 General provisions for automatic expungement and deletion.

- (1) Nothing in this section precludes an individual from filing a petition for expungement of records that are eligible for automatic expungement or deletion under this section if an automatic expungement or deletion has not occurred pursuant to this section.
- (2) An automatic expungement performed under this part does not preclude a person from requesting access to expunged records in accordance with Section 77-40a-403 or 77-40a-404.
- (3)
 - (a) The Judicial Council and the Supreme Court shall make rules to govern the process for automatic expungement.
 - (b) The rules under Subsection (3)(a) may authorize:
 - (i) a presiding judge of a district court to issue an expungement order for any case when the requirements for automatic expungement are met; and
 - (ii) a presiding judge of a justice court to issue an expungement order for any justice court case within the presiding judge's judicial district when the requirements for automatic expungement are met.
- (4) An individual does not have a cause of action for damages as a result of the failure to:
 - (a) identify an individual's case as eligible for automatic expungement or deletion under this part;
 - or
 - (b) automatically expunge or delete the records of a case that is eligible under this part.

Amended by Chapter 180, 2024 General Session