

Effective 10/1/2024

77-40a-204 Request for automatic expungement of a case -- Automatic expungement before October 1, 2024, and on and after January 1, 2026.

- (1)
 - (a) On and after October 1, 2024, but before January 1, 2026, an individual must submit the necessary form to the court to receive an expungement of a case that is eligible under this part.
 - (b) If a form is submitted as described in Subsection (1), the court shall determine whether the individual has a case that qualifies for expungement in accordance with Sections 77-40a-205 and 77-40a-206.
- (2) A court shall automatically expunge a case in accordance with this part if the court identified the case as being eligible for automatic expungement before October 1, 2024, and the requirements for automatic expungement were met under this part.
- (3) On and after January 1, 2026, a court shall automatically expunge a case in accordance with this part if the court identifies the case as being eligible for automatic expungement.
- (4) A court shall make reasonable efforts, within available funding, to expunge a case under Subsection (3) as quickly as practicable with the goal of:
 - (a) expunging a case that resulted in an acquittal on all charges on or after May 1, 2020, 60 days after acquittal;
 - (b) expunging a case that resulted in a dismissal with prejudice, other than a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b), on or after May 1, 2020, 180 days after:
 - (i) for a case in which no appeal was filed, the day on which the entire case against the individual is dismissed with prejudice; or
 - (ii) for a case in which an appeal was filed, the day on which a court issues a final nonappealable order;
 - (c) expunging a clean slate eligible case that is adjudicated or dismissed on or after May 1, 2020, and is not a traffic offense within 30 days of the court determining that the requirements for expungement have been satisfied under Section 77-40a-205; and
 - (d) expunging a case adjudicated or dismissed before May 1, 2020, within one year of the day on which the case is identified as eligible for automatic expungement.

Enacted by Chapter 180, 2024 General Session