

Effective 5/6/2026

77-40a-205 Automatic expungement of state records for a clean slate case.

- (1) A court shall issue an order of expungement, without the filing of a petition, for all records of the case that are held by the court and the bureau if:
 - (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204;
 - (b) the case is eligible for expungement under this section; and
 - (c) the prosecuting agency does not object to the expungement of the case as described in Subsection (6).
- (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement under this section if:
 - (a)
 - (i) each conviction within the case is a conviction for:
 - (A) a misdemeanor offense for possession of a controlled substance in violation of Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207;
 - (B) a class B misdemeanor offense;
 - (C) a class C misdemeanor offense; or
 - (D) an infraction; and
 - (ii) the following time periods have passed after the day on which the individual is adjudicated:
 - (A) at least five years for the conviction of a class C misdemeanor offense or an infraction;
 - (B) at least six years for the conviction of a class B misdemeanor offense; or
 - (C) at least seven years for the conviction of a class A misdemeanor offense for possession of a controlled substance in violation of Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207; or
 - (b)
 - (i) the case is dismissed as a result of a successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is dismissed without prejudice;
 - (ii) each charge within the case is:
 - (A) a misdemeanor offense for possession of a controlled substance in violation of Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207;
 - (B) a class B misdemeanor offense;
 - (C) a class C misdemeanor offense; or
 - (D) an infraction; and
 - (iii) the following time periods have passed after the day on which the case is dismissed:
 - (A) at least five years for a charge in the case for a class C misdemeanor offense or an infraction;
 - (B) at least six years for a charge in the case for a class B misdemeanor offense; or
 - (C) at least seven years for a charge in the case for a class A misdemeanor offense for possession of a controlled substance in violation of Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207.
- (3) A case is not eligible for expungement under this section if:
 - (a) the individual has a total number of convictions in courts of this state that exceed the limits under Subsection 77-40a-303(4) or (5) without taking into consideration:

- (i) the exception in Subsection 77-40a-303(7); or
- (ii) any infraction, traffic offense, or minor regulatory offense;
- (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a court of this state against the individual, unless the proceeding is for a traffic offense;
- (c) for an individual seeking an automatic expungement on and after January 1, 2025, the individual is incarcerated in the state prison or on probation or parole that is supervised by the Division of Adult Probation and Parole created in Section 64-14-202;
- (d) the case resulted in the individual being found not guilty by reason of insanity;
- (e) the case establishes a criminal accounts receivable that:
 - (i) has been entered as a civil accounts receivable or a civil judgment of restitution and transferred to the Office of State Debt Collection under Section 77-18-114; or
 - (ii) has not been satisfied according to court records; or
- (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:
 - (i) any of the offenses listed in Subsection 77-40a-303(2)(a);
 - (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against the Individual;
 - (iii) a weapons offense in violation of Title 76, Chapter 11, Weapons;
 - (iv) sexual battery in violation of Section 76-5-418;
 - (v) an act of lewdness in violation of Section 76-5-419 or 76-5-420;
 - (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (vii) damage to or interruption of a communication device in violation of Section 76-6-108;
 - (viii) a domestic violence offense as defined in Section 77-36-1;
 - (ix) driving under the influence of alcohol, drugs, or a combination of both, or with specified or unsafe blood alcohol concentration, as codified before February 2, 2005, Laws of Utah 2005, Chapter 2; or
 - (x) any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a class A misdemeanor conviction for possession of a controlled substance in violation of Section 76-18-207, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-207.
- (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal Procedure shall receive notice on a monthly basis for any case prosecuted by that agency that appears to be eligible for automatic expungement under this section.
- (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah Rules of Criminal Procedure if the prosecuting agency objects to an automatic expungement for any of the following reasons:
 - (a) the prosecuting agency believes that the case is not eligible for expungement under this section after reviewing the agency record;
 - (b) the individual has not paid restitution to the victim as ordered by the court; or
 - (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an individual involved in the case is continuing to engage in criminal activity within or outside of the state.
- (6) If a prosecuting agency provides written notice of an objection for a reason described in Subsection (5) within 35 days after the day on which the notice under Subsection (4) is sent, the court may not proceed with automatic expungement of the case.

- (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent without the prosecuting agency providing written notice of an objection under Subsection (5), the court shall proceed with automatic expungement of the case.
- (8) If a court issues an order of expungement under Subsection (1), the court shall:
 - (a) expunge all records of the case held by the court in accordance with Section 77-40a-401; and
 - (b) notify the bureau and the prosecuting agency identified in the case, based on information available to the court, of the order of expungement.

Amended by Chapter 362, 2026 General Session