

Effective 10/1/2024

77-40a-301 Application for certificate of eligibility for expungement -- Penalty for false or misleading information on application.

- (1) If an individual seeks to expunge the individual's criminal record in regard to an arrest, investigation, detention, or conviction, the individual shall:
 - (a) except as provided in Subsection 77-40a-305(3) or (4), apply to the bureau for a certificate of eligibility for expungement of the criminal record and pay the application fee as described in Section 77-40a-304;
 - (b) except as provided in Subsections 77-40a-304(3) and (7), pay the issuance fee for the certificate of eligibility or special certificate as described in Section 77-40a-304 if the individual is eligible to receive a certificate of eligibility or special certificate; and
 - (c) file a petition for expungement in accordance with Section 77-40a-305.
- (2)
 - (a) An individual who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
 - (b) Regardless of whether the individual is prosecuted, the bureau may deny a certificate of eligibility to anyone who knowingly provides false information on an application.

Amended by Chapter 180, 2024 General Session