

28 classified as class B or class C misdemeanors in Utah and 15 years have passed since these
29 misdemeanor convictions;

30 (e) the petitioner was convicted in any jurisdiction, subsequent to the conviction for which
31 expungement is sought and within the time periods as provided in Subsection (2), of a crime which
32 would be classified in Utah as a felony, misdemeanor, or infraction;

33 (f) the person has a combination of three or more convictions not arising out of a single
34 criminal episode including any conviction for an offense which would be classified under Utah law
35 as a class B or class A misdemeanor or as a felony, including any misdemeanor and felony
36 convictions previously expunged, regardless of the jurisdiction in which the conviction or
37 expungement occurred; or

38 (g) a proceeding involving a crime is pending or being instituted in any jurisdiction against
39 the petitioner.

40 (2) A conviction may not be included for purposes of Subsection (1)(e), and a conviction
41 may not be considered for expungement until, after the petitioner's release from incarceration,
42 parole, or probation, whichever occurs last and all fines ordered by the court have been satisfied,
43 at least the following period of time has elapsed:

44 (a) seven years in the case of a felony;

45 (b) six years in the case of an alcohol-related traffic offense under Title 41, Motor
46 Vehicles;

47 (c) five years in the case of a class A misdemeanor;

48 (d) three years in the case of any other misdemeanor or infraction under Title 76, Utah
49 Criminal Code; or

50 (e) 15 years in the case of multiple class B or class C misdemeanors.

51 (3) A petitioner who would not be eligible to receive a certificate of eligibility under
52 Subsection (1) (d) or (f) may receive a certificate of eligibility for one additional expungement if
53 at least 15 years have elapsed since the last of any of the following:

54 (a) release from incarceration, parole, or probation relating to the most recent conviction;
55 and

56 (b) any other conviction which would have prevented issuance of a certificate of eligibility
57 under Subsection (1)(e).

58 (4) If, after reasonable research, a disposition for an arrest on the criminal history file is

59 unobtainable, the division may issue a special certificate giving discretion of eligibility to the court.

Legislative Review Note

as of 1-18-00 11:08 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel