



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

January 27, 2010

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 21, EXPUNGEMENT REVISIONS**, by Representative Julie Fisher, with the following amendments:

1. Page 16, Lines 484 through 489:

484 The bureau shall collect fees for the following services:

* * * *Some lines not shown* * * *

488 (4) [~~expungement~~] application for **and issuance of a** certificate of eligibility for expungement as

489 determined by Section [~~77-18-11~~] 77-40-106;

2. Page 36, Line 1104 through Page 37, Line 1111:

1104 (4) (a) { ~~A petitioner may expunge one felony conviction;~~

1105 ~~(b) A petitioner may expunge three misdemeanor convictions, not arising out of~~
~~a~~

1106 ~~single criminal episode;~~

1107 ~~(c) A petitioner may not expunge more than four convictions, not arising out of a~~
~~single~~

1108 ~~criminal episode. This restriction applies regardless of the jurisdiction in which the~~

1109 ~~expungement was obtained.} **A petitioner is not eligible to receive a certificate of**
eligibility from the bureau for any record of conviction if the petitioner's criminal
history contains:~~

(i) more than one criminal episode which contains a conviction for a crime that would
be a felony under Utah law;

(ii) more than two criminal episodes which contain a conviction for a crime that
would be a class A misdemeanor or felony under Utah law; or

(iii) more than three criminal episodes which contain a conviction for a crime that
would be a class B or A misdemeanor or felony under Utah law.

(b) A petitioner may not expunge more than four criminal episodes which contain a
conviction for a crime that would be any type of misdemeanor or felony under Utah
law.

Bill Number



HB0021

Action Class



H

Action Code



HCRAMD

1110 ~~{(d)}~~ (c) Infractions are not included in determining the total number of
 ~~{convictions}~~ criminal episodes a person
1111 may expunge.

(d) The restrictions in this Subsection (4) apply regardless of whether the petitioner has expunged any convictions or any criminal episodes and regardless of the jurisdiction in which the expungement occurred.

3. *Page 37, Lines 1124 through 1132:*

1124 (2) (a) The bureau shall perform a check of records of governmental agencies,
1125 including national criminal data bases, to determine whether a petitioner is eligible to
 receive a
1126 certificate of eligibility under this chapter.

(b) For purposes of determining eligibility under this chapter, the bureau may review records of arrest, investigation, detention and conviction that have been previously expunged.

1127 ~~{(b)}~~ (c) If the petitioner meets all of the criteria under Section 77-40-104
 or 77-40-105, the
1128 bureau shall issue a certificate of eligibility to the petitioner which shall be valid for a
 period of
1129 90 days from the date the certificate is issued.

1130 ~~{(c)}~~ (d) If, after reasonable research, a disposition for an arrest on the
 criminal history file is
1131 unobtainable, the bureau may issue a special certificate giving determination of eligibility
 to
1132 the court.

Respectfully,

Lorie D. Fowlke
Committee Chair

Voting: 11-0-1

3 HB0021.HC1.WPD 1/27/10 9:52 am jdhowe/JDH ECM/JDH

Bill Number



HB0021

Action Class



H

Action Code



HCRAMD