

H.B. 21

EXPUNGEMENT REVISIONS

Senator **Benjamin M. McAdams** proposes the following amendments:

1. Page 33, Lines 1009 through 1019:

- 1009 ~~[(4)]~~ (6) **"Criminal event" means all convictions entered in a single information or indictment as defined in Section 77-1-3, or all convictions pertaining to a larger single criminal episode.** [~~"Division"~~
means the Criminal Investigations and Technical Services
- 1010 ~~Division of]~~
- (7) "Department" means the Department of Public Safety established in Section
- 1011 ~~[53-10-103]~~ 53-1-103.
- 1012 ~~[(5)]~~ "Expungement" means the sealing or destruction of a criminal record, including
- 1013 ~~records of the investigation, arrest, detention, or conviction of the petitioner.]~~
- 1014 ~~{(7)}~~ (8) "Expunge" means to seal or otherwise restrict access to the petitioner's record of
- 1015 ~~arrest, investigation, detention, or conviction held by an agency.~~
- 1016 ~~[(6)]~~ ~~{(8)}~~ (9) "Jurisdiction" means ~~[an area of authority]~~ a state, district, province, political
- 1017 ~~subdivision, territory, or possession of the United States or any foreign country.~~
- 1018 ~~[(7)]~~ ~~{(9)}~~ (10) "Petitioner" means a person seeking expungement under this chapter.
- 1019 ~~[(8)]~~ ~~Second degree forcible felony includes:]~~

2. Page 36, Line 1104 through Page 37, Line 1114

House Committee Amendments

1-28-2010:

- 1104 (4) ~~{(a)}~~ ~~H→ [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**
- 1109a **the bureau for any record of conviction if the petitioner's criminal history contains:**
- 1109b **— (i) more than one criminal episode which contains a conviction for a crime that would**
- 1109c **be a felony under Utah law;**
- 1109d **— (ii) more than two criminal episodes which contain a conviction for a crime that would**
- 1109e **be a class A misdemeanor or felony under Utah law; or**
- 1109f **— (iii) more than three criminal episodes which contain a conviction for a crime that**
- 1109g **would be a class B or A misdemeanor or felony under Utah law** 1109h ~~— (b) A petitioner may not~~

1109i 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.
 1110 ~~— [(d)] (c) ← H~~ Infractions are not included in determining the total number of
 1110a H → [convictions] criminal episodes ← H a person
 1111 may expunge.
 1111a ~~— H → (d) The restrictions in this Subsection (4) apply regardless of whether the petitioner~~
 1111b has expunged any convictions or any criminal episodes and regardless of the jurisdiction in
 1111c which the expungement occurred. ← H } The bureau may not issue a certificate of eligibility if, at the
time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal
history, including previously expunged convictions, contains any of the following:
(a) two or more felony convictions, each of which is contained in a separate criminal event;
(b) any combination of three or more convictions that include two class A misdemeanor convictions, each
of which is contained in a separate criminal event;
(c) any combination of four or more convictions that include three class B misdemeanor convictions, each
of which is contained in a separate criminal event; or
(d) five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of
which is contained in a separate criminal event.
 1112 (5) ~~{ Notwithstanding Subsection (2), if a person }~~ If the petitioner has received a pardon
from the Utah
 1113 Board of Pardons and Parole, the { person } petitioner is entitled to a certificate of eligibility for all
pardoned
 1114 crimes.

3. *Page 37, Lines 1126a through 1126c*
House Committee Amendments
1-28-2010:

1126a ~~H →~~ (b) For purposes of determining eligibility under this chapter, the bureau may
 1126b review records of arrest, investigation, detention and conviction that have been previously
 1126c expunged , regardless of the jurisdiction in which the expungement occurred .