

# 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 the larger of:**  
**(a) all convictions entered in a single information or indictment as defined in Section 77-1-3; or**  
**(b) all convictions pertaining to a 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~~  
 expunge more than four criminal episodes which contain a  
 1109i ~~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 .