

# H.B. 21

## EXPUNGEMENT REVISIONS

Senator **Lyle W. Hillyard** proposes the following amendments:

1. Page 33, Lines 1009 through 1019:

1009           ~~[(4)]~~ (6) **"Criminal court case" means a conviction entered in a single information or indictment**  
**as defined in Section 77-1-3.** ["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 court case;  
(b) any combination of three or more convictions that include two class A misdemeanor convictions, each  
of which is contained in a separate criminal court case;  
(c) any combination of four or more convictions that include three class B misdemeanor convictions, each  
of which is contained in a separate criminal court case; or  
(d) five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of  
which is contained in a separate criminal court case.  
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. .