

EXPUNGEMENT MODIFICATIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill makes changes to the Utah Expungement Act.

Highlighted Provisions:

This bill:

includes the Commission on Criminal and Juvenile Justice as an organization that has accessibility to expunged records upon specific request for the purposes of investigating applicants for judicial offices.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-40-109, as last amended by Laws of Utah 2013, Chapter 41

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-40-109** is amended to read:

77-40-109. Retention and release of expunged records -- Agencies.

(1) The bureau shall keep, index, and maintain all expunged records of arrests and convictions.



28 (2) Employees of the bureau may not divulge any information contained in its index to
29 any person or agency without a court order unless specifically authorized by statute. The
30 following organizations may receive information contained in expunged records upon specific
31 request:

- 32 (a) the Board of Pardons and Parole;
- 33 (b) Peace Officer Standards and Training;
- 34 (c) federal authorities, unless prohibited by federal law;
- 35 (d) the Division of Occupational and Professional Licensing; [~~and~~]
- 36 (e) the State Office of Education[-]; and
- 37 (f) the Commission on Criminal and Juvenile Justice, for the purposes of investigating
38 applicants for judicial office.

39 (3) The bureau may also use the information in its index as provided in Section
40 [53-5-704](#).

41 (4) If, after obtaining an expungement, the petitioner is charged with a felony, the state
42 may petition the court to open the expunged records upon a showing of good cause.

43 (5) (a) For judicial sentencing, a court may order any records expunged under this
44 chapter or Section [77-27-5.1](#) to be opened and admitted into evidence.

45 (b) The records are confidential and are available for inspection only by the court,
46 parties, counsel for the parties, and any other person who is authorized by the court to inspect
47 them.

48 (c) At the end of the action or proceeding, the court shall order the records expunged
49 again.

50 (d) Any person authorized by this Subsection (5) to view expunged records may not
51 reveal or release any information obtained from the expunged records to anyone outside the
52 court.

53 (6) Records released under this chapter are classified as protected under Section
54 [63G-2-305](#) and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to
55 Records.

Legislative Review Note
as of 2-18-14 6:04 AM

Office of Legislative Research and General Counsel