



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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NOTICE OF BILL RETURNED TO RULES COMMITTEE

February 27, 2015

Mr. Speaker:

The Judiciary Committee recommends **H.B. 109**, EXPUNGEMENT OF ADMINISTRATIVE ACTION, by Representative B. Greene, be replaced with **2nd Sub. H.B. 109**, EXPUNGEMENT OF ADMINISTRATIVE ACTION, with the following amendments, and has returned it to the Rules Committee.

1. *Page 17, Line 501:*

501 (b) not been the subject of disciplinary action **or a criminal conviction** during
the preceding three years;

2. *Page 18, Lines 532 through 537:*

532 (e) the agency head, or the agency head's designee, after
~~{weighing}~~ **balancing** the public's interest
533 against the petitioner's right to privacy, determines that ~~{administrative expungement~~
would

534 ~~unreasonably endanger the health or safety of the public~~ **the risk to the public**
that would result from administrative expungement outweighs the petitioner's
privacy interest ; or

535 (f) the agency head, or the agency head's designee, determines that the petitioner's

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536 behavior was of such ~~{an egregious or malicious}~~ a nature that the passage of
additional time is
537 required before administrative expungement is warranted.

3. *Page 19, Lines 553 through 554:*

553 (c) shared by the agency with another state agency, if that agency agrees to not
make the
554 record available to the public; and

1. *Page 17, Lines 496 through 503:*

496 (3) "Eligible petitioner" means an individual who was previously the subject of
497 disciplinary action by a state agency but who has:
498 (a) not been convicted of a crime for behavior related to the disciplinary action,
unless
499 that criminal conviction has been expunged under Title 77, Chapter 40, Utah
Expungement
500 Act;
501 (b) not been the subject of disciplinary action during the preceding
~~{three}~~ five years;
502 (c) at least two years before the date of the application, fully complied with agency
503 requirements regarding previous disciplinary action; and

Respectfully,

LaVar Christensen
Committee Chair

Voting: 10-0-1

16 HB0109.HC1.WPD 2/27/15 10:07 am ggirvan/GAG PLA/BNC

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