

H.B. 40

EXPUNGEMENT AMENDMENTS

Representative **Eric K. Hutchings** proposes the following amendments:

1. *Page 1, Lines 14 through 16:*

- 14 This bill:
- 15 ▶ requires that ~~{the Division of Occupational and Professional Licensing}~~ an
administrative agency remove
- 16 information regarding expunged convictions from public databases;

2. *Page 4, Line 112 through Page 5, Line 121:*

- 112 (4) ~~{An agency}~~ Within 30 days of receiving an expungement order an agency shall
expunge or redact the petitioner's
- 113 identifying information contained in records in its possession or under its control relating to the
- 114 incident for which expungement is ordered. The agency may retain the ~~{expunged or~~
redacted} original
- 115 information internally in its files, however the information may not be made available to the
116 public or any other agency except as allowed under Sections 77-40-109 and 77-40-110.
- 117 (5) Unless ordered by a court to do so, or in accordance with Subsection 77-40-109(2),
- 118 a government agency or official may not divulge information or records which have been
- 119 expunged regarding the petitioner contained in a record of arrest, investigation, detention, ~~{or}~~
- 120 conviction , or administrative disciplinary action after receiving an expungement order.
- 121 (6) (a) An order of expungement may not restrict an agency's use or dissemination of