

(a) When a pardon has been granted, ~~H→~~ ~~[employees of the Bureau of Criminal Identification or]~~ ~~←H~~ employees of the Board of Pardons and Parole may not divulge any identifying information regarding the pardoned person to any person or agency, except for the pardoned person.

(b) The Bureau of Criminal Identification may not count pardoned convictions against any future expungement eligibility.

(2) An expungement order, issued by the board, has at least the same legal effect and authority as an order of expungement issued by a court, pursuant to Title 77, Chapter 40, Utah Expungement Act.

(3) The board shall provide clear written directions to the recipient along with a list of agencies known to be affected by the expungement order.

Section 3. Section **77-40-102** is amended to read:

**77-40-102. Definitions.**

As used in this chapter:

(1) "Administrative finding" means a decision upon a question of fact reached by an administrative agency following an administrative hearing or other procedure satisfying the requirements of due process.

(2) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.

(3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

(4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.

(5) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.

(6) "Department" means the Department of Public Safety established in Section 53-1-103.

(7) "Drug possession offense" means an offense under:

(a) Subsection 58-37-8(2), except any offense under Subsection 58-37-8(2)(b)(i),

(iii) federal authorities, ~~[unless prohibited]~~ only as required by federal law;  
 (iv) the Department of Commerce;  
 (v) the Department of Insurance;  
 (vi) the State Board of Education; and  
 (vii) the Commission on Criminal and Juvenile Justice, for purposes of investigating applicants for judicial office.

(c) A person or agency authorized by this Subsection (2) to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the court order or specific request, including distribution on a public website.

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

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

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

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

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

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

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

Section 9. Section **77-40-112** is amended to read:

**77-40-112. Penalty.**

~~[Any person who willfully violates any prohibition in this chapter]~~ An employee or agent of an agency that is prohibited from disseminating information from expunged or pardoned records under Section ~~H→~~ [77-40-5.1] 77-27-5.1 ~~←H~~ or 77-40-109 who knowingly or intentionally