

**COURT RECORDS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: Logan Wilde

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to court records.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides for delinking personal identifying information from court records under certain circumstances; and
- ▶ addresses scope of the provisions.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**77-40-104.1**, Utah Code Annotated 1953

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

Section 1. Section **77-40-104.1** is enacted to read:

**77-40-104.1. Eligibility for removing the link between personal identifying information and court case dismissed without prejudice.**



28           (1) As used in this section:  
 29           (a) "Domestic violence offense" means the same as that term is defined in Section  
 30 77-36-1.  
 31           (b) "Personal identifying information" means:  
 32           (i) a current name, former name, nickname, or alias; and  
 33           (ii) date of birth.  
 34           (2) A person whose criminal case is dismissed may ~~§~~→ ~~petition~~ move ←~~§~~ the court  
 34a ~~§~~→ for an order ←~~§~~ to remove the  
 35 link between the person's personal identifying information from the dismissed case in any  
 36 publicly searchable database of the Utah state courts and the court shall grant that relief if:  
 37           (a) 30 days have passed from the day on which the case is dismissed;  
 38           (b) no appeal is filed for the dismissed case within the 30-day period described in  
 39 Subsection (2)(a); and  
 40           (c) no charge in the case was a domestic violence offense.  
 41           (3) Removing the link to personal identifying information of a court record under  
 42 Subsection (2) does not affect a prosecuting, arresting, or other agency's records.  
 43           (4) A case history, unless expunged under this chapter, remains public and accessible  
 44 through a search by case number.  
 45           Section 2. **Effective date.**  
 46           This bill takes effect on July 1, 2018.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**