

COURT RECORDS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Logan Wilde

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

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.

(1) As used in this section:

(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 move the court for an order to
35 remove the link between the person's personal identifying information from the dismissed case
36 in any publicly searchable database of the Utah state courts and the court shall grant that relief
37 if:

38 (a) 30 days have passed from the day on which the case is dismissed;

39 (b) no appeal is filed for the dismissed case within the 30-day period described in

40 Subsection (2)(a); and

41 (c) no charge in the case was a domestic violence offense.

42 (3) Removing the link to personal identifying information of a court record under
43 Subsection (2) does not affect a prosecuting, arresting, or other agency's records.

44 (4) A case history, unless expunged under this chapter, remains public and accessible
45 through a search by case number.

46 Section 2. **Effective date.**

47 This bill takes effect on July 1, 2018.