

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 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 the court 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.

Legislative Review Note
Office of Legislative Research and General Counsel