

119 **information and court case dismissed.**

120 (1) As used in this section[~~:(a) "Domestic violence offense" means the same as that~~  
 121 ~~term is defined in Section 77-36-1.~~ (b) "Personal", "personal identifying information" means:

122 [~~(i)~~] (a) a current name, former name, nickname, or alias; and

123 [~~(ii)~~] (b) date of birth.

124 (2) A person whose criminal case is dismissed may move the court for an order to  
 125 remove the link between the person's personal identifying information from the dismissed case  
 126 in any publicly searchable database of the Utah state courts and the court shall grant that relief  
 127 if:

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

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

130 Subsection (2)(a)[~~; and~~].

131 [~~(c) no charge in the case was a domestic violence offense.~~]

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

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

136 Section 4. Section **77-40-105** is amended to read:

137 **77-40-105. Eligibility for expungement of conviction -- Requirements.**

138 (1) A person convicted of an offense may apply to the bureau for a certificate of  
 139 eligibility to expunge the record of conviction as provided in this section.

140 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau if:

141 (a) the conviction for which expungement is sought is:

142 (i) a capital felony;

143 (ii) a first degree felony;

144 (iii) a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);

145 (iv) felony automobile homicide;

146 (v) a felony violation of Subsection 41-6a-501(2);

147 (vi) a registerable sex offense ~~Ĥ~~→ [as defined] described ←~~Ĥ~~ in Subsection

147a 77-41-102(17); or

148 (vii) a registerable child abuse offense as defined in Subsection 77-43-102(2);

149 (b) a criminal proceeding is pending against the petitioner; or