

1st Sub. H.B. 83 EXPUNGEMENT AMENDMENTS

Representative **Andrew Stoddard** proposes the following amendments:

1. *Page 3, Line 82 through Page 4, Line 97:*

82 (7) If no objection is received within 60 days from the date the petition for
83 expungement is filed with the court, the expungement may be granted without a hearing.

84 (8) The court shall issue an order of expungement if the court finds, by clear and
85 convincing evidence, that:

86 (a) the petition and certificate of eligibility are sufficient;

87 (b) the statutory requirements have been met;

88 (c) if the petitioner seeks expungement after a case is dismissed without prejudice or
89 without condition, the prosecutor provided written consent and has not filed and does not
90 intend to refile related charges;

91 (d) if the petitioner seeks expungement of drug possession offenses allowed under
92 Subsection 77-40-105(6), the petitioner is not illegally using controlled substances and is
93 successfully managing any substance addiction; [~~and~~]

94 (e) if an objection is received, the petition for expungement is for a charge dismissed in
95 accordance with a plea in abeyance agreement, and the charge is an offense eligible **to be used** for
96 enhancement, there is good cause for the court to grant the expungement; and

97 [~~(f)~~] (f) it is not contrary to the interests of the public to grant the expungement.