

57 (c) In ~~H~~→ [a proceeding] both the initial motion and at a requested hearing ←~~H~~
57a described in Subsection (3)(a), the moving party has the burden to
58 provide evidence sufficient to demonstrate:

59 (i) that the defendant has been successfully discharged from probation or parole; and

60 (ii) that the reduction is in the interest of justice.

61 (4) (a) An offense may be reduced only one degree under this section, whether the
62 reduction is entered under Subsection (2) or (3), unless the prosecuting attorney specifically
63 agrees in writing or on the court record that the offense may be reduced two degrees.

64 (b) An offense may not be reduced under this section by more than two degrees.

65 (5) This section does not preclude an individual from obtaining or being granted an
66 expungement of the individual's record in accordance with Title 77, Chapter 40, Utah
67 Expungement Act.

68 (6) The court may not enter judgment for a conviction for a lower degree of offense if:

69 (a) the reduction is specifically precluded by law; or

70 (b) if any unpaid balance remains on court ordered restitution for the offense for which
71 the reduction is sought.

72 (7) When the court enters judgment for a lower degree of offense under this section,
73 the actual title of the offense for which the reduction is made may not be altered.

74 (8) (a) An individual may not obtain a reduction under this section of a conviction that
75 requires the individual to register as a sex offender until the registration requirements under
76 Title 77, Chapter 41, Sex and Kidnap Offender Registry, have expired.

77 (b) An individual required to register as a sex offender for the individual's lifetime
78 under Subsection 77-41-105(3)(c) may not be granted a reduction of the conviction for the
79 offense or offenses that require the individual to register as a sex offender.

80 (9) (a) An individual may not obtain a reduction under this section of a conviction that
81 requires the individual to register as a child abuse offender until the registration requirements
82 under Title 77, Chapter 43, Child Abuse Offender Registry, have expired.

83 (b) An individual required to register as a child abuse offender for the individual's
84 lifetime under Subsection 77-43-105(3)(c) may not be granted a reduction of the conviction for
85 the offense or offenses that require the individual to register as a child abuse offender.