

EXPUNGEMENT REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill allows for the de-linking of certain court records when cases are dismissed.

Highlighted Provisions:

This bill:

- ▶ allows a person to have the link between their personal identifying information and a court case that has been dismissed eliminated.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-40-104.1, as last amended by Laws of Utah 2019, Chapter 448

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-40-104.1** is amended 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

77-36-1.

29 (b) "Personal identifying information" means:
30 (i) a current name, former name, nickname, or alias; and
31 (ii) date of birth.

32 (2) An individual whose criminal case is dismissed, or civil case filed in accordance
33 with Title 78B, Chapter 7, Protective Orders and Stalking Injunctions, is [~~dismissed~~] denied,
34 may move the court for an order to remove the link between the individual's personal
35 identifying information from the dismissed case in any publicly searchable database of the Utah
36 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 or denied;
38 (b) no appeal is filed for the dismissed or denied case within the 30-day period
39 described in 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.