

**EXPUNGEMENT REVISIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: \_\_\_\_\_

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**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

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*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



28 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 may move the court for an order  
33 to remove the link between the individual's personal identifying information from the  
34 dismissed case in any publicly searchable database of the Utah state courts and the court shall  
35 grant that relief if:

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

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

38 Subsection (2)(a); and

39 (c) no charge in the case was a domestic violence offense.

40 (3) Removing the link to personal identifying information of a court record under

41 Subsection (2) does not affect a prosecuting, arresting, or other agency's records.

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