

HB0329S01 compared with HB0329

~~deleted text~~ shows text that was in HB0329 but was deleted in HB0329S01.

inserted text shows text that was not in HB0329 but was inserted into HB0329S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Candice B. Pierucci proposes the following substitute bill:

EXPUNGEMENT REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: _____

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:

HB0329S01 compared with HB0329

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.

(b) "Personal identifying information" means:

- (i) a current name, former name, nickname, or alias; and
- (ii) date of birth.

(2) An individual whose ~~any~~ criminal ~~case~~ is dismissed, or civil case filed in accordance with Title 78B, Chapter 7, Protective Orders and Stalking Injunctions, is [dismissed] denied, may move the court for an order to remove the link between the individual's personal identifying information from the dismissed case in any publicly searchable database of the Utah state courts and the court shall grant that relief if:

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

(b) no appeal is filed for the dismissed or denied case within the 30-day period described in Subsection (2)(a); and

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

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

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