

243 **information and court case dismissed.**

244 (1) As used in this section:

245 (a) "Domestic violence offense" means the same as that term is defined in Section  
246 [77-36-1](#).

247 (b) "Personal identifying information" means:

248 (i) a current name, former name, nickname, or alias; and

249 (ii) date of birth.

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

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

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

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

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

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

263 Section 5. Section **77-40-105** is amended to read:

264 **77-40-105. Requirements to apply for a certificate of eligibility to expunge**  
265 **conviction.**

266 (1) An individual convicted of an offense may apply to the bureau for a certificate of  
267 eligibility to expunge the record of conviction as provided in this section.

268 (2) An individual is not eligible to receive a certificate of eligibility from the bureau if:

269 (a) the conviction for which expungement is sought is:

270 (i) a capital felony;

271 (ii) a ~~§~~→ **[felony conviction of a]** ←~~§~~ first degree felony;

272 (iii) a ~~§~~→ **felony conviction of a** ←~~§~~ violent felony as defined in Subsection

272a [76-3-203.5\(1\)\(c\)\(i\)](#);

273 (iv) felony automobile homicide;