

Representative V. Lowry Snow proposes the following substitute bill:

JUVENILE RECORD AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to juvenile records.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding the inspection of juvenile court records;
- ▶ defines terms;
- ▶ addresses the expungement of a juvenile record related to delinquency;
- ▶ clarifies the expungement of a juvenile record in relation to vacatur of an adjudication by the juvenile court;
- ▶ amends the requirements for a petition of expungement of a juvenile record;
- ▶ addresses the expungement of a petition where the allegations were found to be not true;
- ▶ allows for the automatic expungement of successful nonjudicial adjustments completed on or after October 1, 2022;
- ▶ addresses the effect of a successful nonjudicial adjustment completed before October 1, 2022;
- ▶ excludes certain records from an expungement order;
- ▶ addresses distribution of an expungement order;



- 26 ▶ addresses agency duties in regards to expungement orders;
- 27 ▶ addresses records in the custody of the Board of Pardons and Parole, the
- 28 Department of Corrections, or the Division of Child and Family Services;
- 29 ▶ amends provisions relating to the effect of an expungement order;
- 30 ▶ allows an expunged record to be released or viewed by an individual who is the
- 31 subject of the expunged record; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **78A-6-209**, as last amended by Laws of Utah 2021, Chapter 261

40 **80-6-1001**, as renumbered and amended by Laws of Utah 2021, Chapter 261

41 **80-6-1002**, as renumbered and amended by Laws of Utah 2021, Chapter 261

42 **80-6-1003**, as enacted by Laws of Utah 2021, Chapter 261

43 **80-6-1004**, as last amended by Laws of Utah 2021, Chapter 231 and renumbered and
44 amended by Laws of Utah 2021, Chapter 261

45 ENACTS:

46 **80-6-1004.1**, Utah Code Annotated 1953

47 **80-6-1004.2**, Utah Code Annotated 1953

48 **80-6-1004.3**, Utah Code Annotated 1953

49 REPEALS:

50 **80-6-1005**, as renumbered and amended by Laws of Utah 2021, Chapter 261

51 REPEALS AND REENACTS:

52 **80-6-1006**, as renumbered and amended by Laws of Utah 2021, Chapter 261

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

55 Section 1. Section **78A-6-209** is amended to read:

56 **78A-6-209. Court records -- Inspection.**

57 (1) The juvenile court and the juvenile court's probation department shall keep records
58 as required by the board and the presiding judge.

59 (2) A court record shall be open to inspection by:

60 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties
61 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

62 (b) for information relating to adult offenders alleged to have committed a sexual
63 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
64 Title 76, Chapter 5, Offenses Against the Person, the State Board of Education for the purpose
65 of evaluating whether an individual should be permitted to obtain or retain a license as an
66 educator or serve as an employee or volunteer in a school, with the understanding that the State
67 Board of Education must provide the individual with an opportunity to respond to any
68 information gathered from the State Board of Education's inspection of the records before the
69 State Board of Education makes a decision concerning licensure or employment;

70 (c) the Criminal Investigations and Technical Services Division, established in Section
71 [53-10-103](#), for the purpose of a criminal history background check for the purchase of a firearm
72 and establishing good character for issuance of a concealed firearm permit as provided in
73 Section [53-5-704](#);

74 (d) the Division of Child and Family Services for the purpose of Child Protective
75 Services Investigations in accordance with Sections [62A-4a-403](#) and [62A-4a-409](#) and
76 administrative hearings in accordance with Section [62A-4a-1009](#);

77 (e) the Office of Licensing for the purpose of conducting a background check in
78 accordance with Section [62A-2-120](#);

79 (f) for information related to a minor who has committed a sexual offense, a felony, or
80 an offense that if committed by an adult would be a misdemeanor, the Department of Health
81 for the purpose of evaluating under the provisions of Subsection [26-39-404\(3\)](#) whether a
82 licensee should be permitted to obtain or retain a license to provide child care, with the
83 understanding that the department must provide the individual who committed the offense with
84 an opportunity to respond to any information gathered from the Department of Health's
85 inspection of records before the Department of Health makes a decision concerning licensure;

86 (g) for information related to a minor who has committed a sexual offense, a felony, or
87 an offense that if committed by an adult would be a misdemeanor, the Department of Health to

88 determine whether an individual meets the background screening requirements of Title 26,
89 Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the
90 department must provide the individual who committed the offense an opportunity to respond
91 to any information gathered from the Department of Health's inspection of records before the
92 Department of Health makes a decision under that part; and

93 (h) for information related to a minor who has committed a sexual offense, a felony, or
94 an offense that if committed by an adult would be a misdemeanor, the Department of Health to
95 determine whether to grant, deny, or revoke background clearance under Section 26-8a-310 for
96 an individual who is seeking or who has obtained an emergency medical service personnel
97 license under Section 26-8a-302, with the understanding that the Department of Health must
98 provide the individual who committed the offense an opportunity to respond to any information
99 gathered from the Department of Health's inspection of records before the Department of
100 Health makes a determination.

101 (3) With the consent of the juvenile court, a court record may be inspected by the child,
102 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent
103 research studies.

104 (4) [H] Unless the records are closed by the juvenile court upon findings on the record
105 for good cause, if a petition is filed charging a minor who is 14 years old or older with an
106 offense that would be a felony if committed by an adult, the juvenile court shall make available
107 to any person upon request the petition, any adjudication or disposition orders, and the
108 delinquency history summary of the minor charged [~~unless the records are closed by the~~
109 ~~juvenile court upon findings on the record for good cause~~].

110 (5) A juvenile probation officer's records and reports of social and clinical studies are
111 not open to inspection, except by consent of the juvenile court, given under rules adopted by
112 the board.

113 (6) The juvenile court may charge a reasonable fee to cover the costs associated with
114 retrieving a requested record that has been archived.

115 Section 2. Section **80-6-1001** is amended to read:

116 **80-6-1001. Definitions.**

117 As used in this part:

118 (1) "Abstract" means a copy or summary of a court's disposition.

119 (2) (a) "Agency" means a state, county, or local government entity that generates or
 120 maintains records [~~relating to a nonjudicial adjustment or an adjudication~~] for which
 121 expungement may be ordered under this part.

122 (b) "Agency" includes a local education agency, as defined in Section [53E-1-102](#), for
 123 purposes of this part.

124 (3) "Expunge" means to seal or otherwise restrict access to [~~an individual's record held~~
 125 ~~by a court or an agency when the record relates to a nonjudicial adjustment or an adjudication~~
 126 ~~of an offense in the juvenile court.~~] a record in the custody of the juvenile court or an agency.

127 (4) (a) "Juvenile record" means all records for all incidents of delinquency involving an
 128 individual that are in the custody of the juvenile court or an agency.

129 (b) "Juvenile record" does not include any record of an adjudication under Chapter 3,
 130 Abuse, Neglect, and Dependency Proceedings, or Chapter 4, Termination and Restoration of
 131 Parental Rights.

132 (5) "Petitioner" means an individual applying for expungement or vacatur under this
 133 part.

134 Section 3. Section **80-6-1002** is amended to read:

135 **80-6-1002. Vacatur of adjudications.**

136 (1) (a) An individual who has been adjudicated under this chapter may petition the
 137 juvenile court for vacatur of [~~the individual's juvenile court records and any related records in~~
 138 ~~the custody of an agency if the record relates to~~] the adjudication if the adjudication was for:

139 [~~(i) an adjudication under Section [76-10-1302](#), [76-10-1304](#), or [76-10-1313](#); or~~]

140 (i) an offense for:

141 (A) prostitution, as described in Section [76-10-1302](#);

142 (B) aiding prostitution, as described in Section [76-10-1304](#); or

143 (C) sexual solicitation, as described in Section [76-10-1313](#); or

144 (ii) [~~an adjudication that was based on an offense~~] an offense for human trafficking
 145 under Section [76-5-308](#) that the petitioner engaged in while subject to force, fraud, or
 146 coercion[~~, as defined in Section [76-5-308](#)].~~

147 (b) The petitioner shall include in the petition the relevant juvenile court incident
 148 number and any agencies known or alleged to have any documents related to the offense for
 149 which vacatur is being sought.

150 (c) The petitioner shall include with the petition the original criminal history report
151 obtained from the Bureau of Criminal Identification in accordance with the provisions of
152 Section 53-10-108.

153 (d) The petitioner shall send a copy of the petition to the county attorney or, if within a
154 prosecution district, the district attorney.

155 (2) (a) Upon the filing of a petition, the juvenile court shall:

156 (i) set a date for a hearing;

157 (ii) notify the county attorney or district attorney and the agency with custody of the
158 records at least 30 days prior to the hearing of the pendency of the petition; and

159 (iii) notify the county attorney or district attorney and the agency with records the
160 petitioner is asking the juvenile court to vacate of the date of the hearing.

161 (b) (i) The juvenile court shall provide a victim with the opportunity to request notice
162 of a petition for vacatur.

163 (ii) A victim shall receive notice of a petition for vacatur at least 30 days before the
164 hearing if, before the entry of vacatur, the victim or, in the case of a child or an individual who
165 is incapacitated or deceased, the victim's next of kin or authorized representative, submits a
166 written and signed request for notice to the court in the judicial district in which the crime
167 occurred or judgment was entered.

168 (iii) The notice shall include a copy of the petition and statutes and rules applicable to
169 the petition.

170 (3) (a) At the hearing the petitioner, the county attorney or district attorney, a victim,
171 and any other person who may have relevant information about the petitioner may testify.

172 (b) (i) In deciding whether to grant a petition for vacatur of adjudication of an offense
173 for human trafficking under Section 76-5-307, the juvenile court shall consider whether the
174 petitioner acted subject to force, fraud, or coercion~~[, as defined in Section 76-5-308,]~~ at the
175 time of the conduct giving rise to the adjudication.

176 (ii) (A) If the juvenile court finds by a preponderance of the evidence that the petitioner
177 was subject to force, fraud, or coercion~~[, as defined in Section 76-5-308]~~ at the time of the
178 conduct giving rise to the adjudication, the juvenile court shall grant vacatur.

179 (B) If the court does not find sufficient evidence, the juvenile court shall deny vacatur.

180 (iii) If the petition is for vacatur of any adjudication for an offense under Section

181 76-10-1302, 76-10-1304, or 76-10-1313, the juvenile court shall presumptively grant vacatur
 182 unless the petitioner acted as a purchaser of any sexual activity.

183 (c) If vacatur is granted, the juvenile court shall order [~~sealed all of the petitioner's~~
 184 ~~records under the control of the juvenile court and any of the petitioner's records under the~~
 185 ~~control of any other agency or official]~~ expungement of all records in the petitioner's juvenile
 186 record pertaining to the incident identified in the petition, including relevant related records
 187 contained in the Management Information System created by Section 62A-4a-1003 and the
 188 Licensing Information System created by Section 62A-4a-1005.

189 (4) (a) The petitioner shall be responsible for service of the order of vacatur to all
 190 affected state, county, and local entities, agencies, and officials.

191 (b) To avoid destruction or [~~sealing~~] expungement of the records in whole or in part,
 192 the agency or entity receiving the vacatur order shall only vacate all references to the
 193 petitioner's name in the records pertaining to the relevant adjudicated juvenile court incident.

194 (5) (a) Upon the entry of vacatur, the proceedings in the incident identified in the
 195 petition shall be considered never to have occurred and the petitioner may properly reply
 196 accordingly upon any inquiry in the matter.

197 (b) Inspection of the records may thereafter only be permitted by the juvenile court
 198 upon petition by the individual who is the subject of the records, and only to persons named in
 199 the petition.

200 (6) The juvenile court may not vacate [~~a juvenile court record~~] any record in a
 201 petitioner's juvenile record if the record contains an adjudication of:

202 (a) Section 76-5-202, aggravated murder; or

203 (b) Section 76-5-203, murder.

204 Section 4. Section 80-6-1003 is amended to read:

205 **80-6-1003. Court records -- Abstracts.**

206 [~~(1)(a) Except as otherwise provided in this part, if a minor's juvenile record is~~
 207 ~~expunged, and upon a court order, all photographs or records under Section 80-6-608 shall be~~
 208 ~~destroyed by an agency.]~~

209 [~~(b) A record of a minor's fingerprints may not be destroyed by an agency.]~~

210 [(2)] (1) A court or agency with custody of [~~an individual's~~] a record related to an
 211 offense that [~~the~~] an individual is alleged to have committed, or an offense that the individual

212 committed, before the individual was 18 years old may not disclose the record to a federal
213 agency that is responsible for criminal justice research or proceedings unless the court or the
214 agency is required to share the record under state or federal law.

215 ~~[(3)]~~ (2) An abstract of a [juvenile court] record for an adjudication of a traffic offense
216 shall be submitted to the Department of Public Safety as provided in Section 53-3-218.

217 Section 5. Section 80-6-1004 is amended to read:

218 **80-6-1004. Petition to expunge records of adjudication, nonjudicial adjustment,**
219 **or arrest, investigation, or detention -- Notice -- Hearing.**

220 ~~[(1)(a) Except as provided in Subsection (4), an individual who has been adjudicated~~
221 ~~by a juvenile court may petition the juvenile court for an order to expunge the individual's~~
222 ~~juvenile court record and any related records in the custody of an agency if:]~~

223 ~~[(i) the individual has reached 18 years old; and]~~

224 ~~[(ii) at least one year has passed from the date of:]~~

225 ~~[(A) termination of the continuing jurisdiction of the juvenile court; or]~~

226 ~~[(B) the individual's unconditional release from the custody of the division if the~~
227 ~~individual was committed to secure care.]~~

228 ~~[(b) The juvenile court may waive the requirements in Subsection (1)(a) if the juvenile~~
229 ~~court finds, and states on the record, the reason why the waiver is appropriate.]~~

230 ~~[(c) The petitioner shall include in the petition described in Subsection (1)(a):]~~

231 ~~[(i) any agency known or alleged to have any records related to the offense for which~~
232 ~~expungement is being sought; and]~~

233 ~~[(ii) the original criminal history report obtained from the Bureau of Criminal~~
234 ~~Identification in accordance with Section 53-10-108.]~~

235 ~~[(d) The petitioner shall send a copy of the petition described in Subsection (1)(a) to~~
236 ~~the county attorney or, if within a prosecution district, the district attorney.]~~

237 (1) An individual may petition the juvenile court for an order to expunge the
238 individual's juvenile record if:

239 (a) (i) the individual was adjudicated for an offense in the juvenile court;

240 (ii) the individual has reached 18 years old; and

241 (iii) at least one year has passed from the day on which:

242 (A) the juvenile court's continuing jurisdiction was terminated; or

243 (B) if the individual was committed to secure care, the individual was unconditionally
 244 released from the custody of the division;

245 (b) (i) the individual's juvenile record consists solely of nonjudicial adjustments;

246 (ii) the individual's juvenile record is not eligible for automatic expungement under
 247 Section [80-6-1004.3](#); and

248 (iii) the individual has reached 18 years old; or

249 (c) (i) the individual's juvenile record consists solely of records of arrest, investigation,
 250 detention, or petitions that did not result in adjudication;

251 (ii) the individual was not adjudicated for an offense; and

252 (iii) the individual has reached 18 years old.

253 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection
 254 (1), the petition shall include a criminal history report obtained from the Bureau of Criminal
 255 Identification in accordance with Section [53-10-108](#).

256 (3) The juvenile court may waive the age requirement for a petition under Subsection
 257 (1)(a), (b), or (c) if the juvenile court finds and states on the record the reason why the waiver
 258 is appropriate.

259 ~~[(e)(i)]~~ (4) Upon the filing of a petition [~~described in~~] under Subsection (1)(a), the
 260 juvenile court shall:

261 ~~[(A)]~~ (a) set a date for a hearing; and

262 (b) at least 30 days before the day on which the hearing on the petition is scheduled:

263 ~~[(B)]~~ (i) notify the [~~county attorney or district attorney and the agency with custody of~~
 264 the records at least 30 days before the day on which the hearing of the pendency of the petition
 265 is scheduled; and] prosecuting attorney and any affected agency, which the juvenile court can
 266 identify from the juvenile record, that a petition has been filed; and

267 ~~[(C)]~~ (ii) notify the [~~county attorney or district attorney and the agency with records~~
 268 that the petitioner is asking the court to expunge] prosecuting attorney and any affected agency,
 269 which the juvenile court can identify from the juvenile record, of the date of the hearing.

270 ~~[(i)-(A)]~~ (5) (a) The juvenile court shall provide a victim with the opportunity to
 271 request notice of a petition [~~described in~~] under Subsection (1)(a).

272 ~~[(B)]~~ (b) Upon the victim's request under Subsection [~~(1)(e)(ii)(A)] (5)(a), the victim~~
 273 shall receive notice of the petition at least 30 days before the day on which the hearing is

274 scheduled if[;] before the day on which an expungement order is made[;] the victim, or[; ~~in the~~
275 ~~case of a child or an individual who is incapacitated or deceased;~~] the victim's next of kin or
276 authorized representative if the victim is a child or an individual who is incapacitated or
277 deceased, submits a written and signed request for notice to the juvenile court in the judicial
278 district in which the offense occurred or judgment is entered.

279 [~~(C)~~] (c) The notice described in Subsection [~~(1)(e)(ii)(B)~~] (5)(b) shall include a copy
280 of the petition [~~described in Subsection (1)(a)~~] and any statutes and rules applicable to the
281 petition.

282 [~~(2)~~] (6) (a) At the hearing [~~described in Subsection (1)(e)(i), the county attorney or~~
283 ~~district attorney~~] for a petition under Subsection (1)(a), the prosecuting attorney, a victim, and
284 any other individual who may have relevant information about the petitioner may testify.

285 (b) The juvenile court may waive the hearing for the petition under Subsection (1)(a)
286 if:

287 (i) (A) there is no victim; or

288 (B) if there is a victim, the victim agrees to the waiver; and

289 (ii) the prosecuting attorney agrees to the waiver.

290 (7) (a) Upon the filing of a petition under Subsection (1)(c), the juvenile court shall
291 notify the prosecuting attorney that a petition has been filed.

292 (b) Within 30 days from the day on which the notification is sent under Subsection
293 (7)(a), the prosecuting attorney shall respond to the petition stating whether the petitioner
294 meets the requirements for expungement under Subsection [80-6-1004.1\(3\)\(b\)](#).

295 [~~(b) In deciding whether to grant a petition described in Subsection (1)(a) for~~
296 ~~expungement, the juvenile court shall consider whether the rehabilitation of the petitioner has~~
297 ~~been attained to the satisfaction of the juvenile court, including the petitioner's response to~~
298 ~~programs and treatment, the petitioner's behavior subsequent to the adjudication, and the nature~~
299 ~~and seriousness of the conduct.]~~

300 [~~(c) (i) Except as provided in Subsection (2)(c)(ii), a juvenile court may order~~
301 ~~expunged all of the petitioner's records under the control of the juvenile court and an agency or~~
302 ~~an official if the juvenile court finds that:]~~

303 [~~(A) the petitioner has not, in the five years preceding the day on which the petition~~
304 ~~described in Subsection (1)(a) is filed, been convicted of a violent felony;]~~

305 ~~[(B) there are no delinquency or criminal proceedings pending against the petitioner;~~
306 ~~and]~~

307 ~~[(C) a judgment for restitution entered by the juvenile court on the adjudication for~~
308 ~~which the expungement is sought has been satisfied.]~~

309 ~~[(ii) A court may not order the Division of Child and Family Services to seal a~~
310 ~~petitioner's record that is contained in the Management Information System created in Section~~
311 ~~62A-4a-1003 or the Licensing Information System created in Section 62A-4a-1005 unless:]~~

312 ~~[(A) the record is unsupported; or]~~

313 ~~[(B) after notice and an opportunity to be heard, the Division of Child and Family~~
314 ~~Services stipulates in writing to sealing the record.]~~

315 ~~[(3) (a) The petitioner is responsible for service of the expungement order issued under~~
316 ~~Subsection (2) to any affected agency or official.]~~

317 ~~[(b) To avoid destruction or sealing of the records in whole or in part, the agency or the~~
318 ~~official receiving the expungement order described in Subsection (3)(a) shall only expunge all~~
319 ~~references to the petitioner's name in the records pertaining to the petitioner's juvenile court~~
320 ~~record.]~~

321 ~~[(4) (a) The juvenile court may not expunge a record if the record contains an~~
322 ~~adjudication of:]~~

323 ~~[(i) Section 76-5-202, aggravated murder; or]~~

324 ~~[(ii) Section 76-5-203, murder.]~~

325 ~~[(b) This section does not apply to an adjudication under Part 3, Abuse, Neglect, and~~
326 ~~Dependency Proceedings, Part 5, Termination of Parental Rights Act, or Part 14, Restoration of~~
327 ~~Parental Rights Act.]~~

328 Section 6. Section **80-6-1004.1** is enacted to read:

329 **80-6-1004.1. Order of expungement for petition to expunge records of**
330 **adjudication, nonjudicial adjustment, or arrest, investigation, detention, or**
331 **unadjudicated petitions.**

332 (1) (a) Except as provided in Subsection (1)(c), the juvenile court may grant a petition
333 under Subsection 80-6-1004(1)(a) and order expungement of the petitioner's juvenile record if
334 the juvenile court finds:

335 (i) the petitioner has not been convicted of a violent felony within five years from the

336 day on which the petition for expungement is filed;

337 (ii) there are no delinquency or criminal proceedings pending against the petitioner;

338 and

339 (iii) (A) a judgment for restitution entered by the juvenile court on any adjudication in
340 the petitioner's juvenile record has been satisfied; or

341 (B) restitution that was a condition of any nonjudicial adjustment in the petitioner's
342 juvenile record has been satisfied.

343 (b) In deciding whether to grant a petition for expungement under Subsection (1)(a),
344 the juvenile court shall consider whether the rehabilitation of the petitioner has been attained to
345 the satisfaction of the juvenile court, including the petitioner's response to programs and
346 treatment and the petitioner's behavior subsequent to the adjudication.

347 (c) The juvenile court may not expunge a petitioner's juvenile record if the petitioner's
348 juvenile record contains an adjudication of:

349 (i) aggravated murder, as described in Section [76-5-202](#); or

350 (ii) murder, as described in Section [76-5-202](#).

351 (2) The juvenile court shall grant a petition under Subsection [80-6-1004\(1\)\(b\)](#) and
352 order expungement of the petitioner's juvenile record if the juvenile court finds:

353 (a) the petitioner has not been convicted of a violent felony within five years from the
354 day on which the petition for expungement is filed;

355 (b) there are no delinquency or criminal proceedings pending against the petitioner;

356 and

357 (c) restitution that was a condition of any nonjudicial adjustment in the petitioner's
358 juvenile record has been satisfied.

359 (3) The juvenile court shall grant a petition under Subsection [80-6-1004\(1\)\(c\)](#) and
360 order expungement of the petitioner's juvenile record if the juvenile court finds that:

361 (a) there are no delinquency or criminal proceedings pending against the petitioner; and

362 (b) each case identified in the petition:

363 (i) has been screened by the investigating law enforcement agency and the prosecuting
364 attorney has determined that no charges will be filed against the individual;

365 (ii) resulted in all charges in the case being dismissed with prejudice;

366 (iii) resulted in all charges in the case being dismissed without prejudice or without

367 condition and the prosecuting attorney consents to the expungement; or

368 (iv) is barred from prosecution by the statute of limitations.

369 Section 7. Section **80-6-1004.2** is enacted to read:

370 **80-6-1004.2. Petition to expunge record of petition found to be untrue -- Order of**
371 **expungement.**

372 (1) An individual may petition the juvenile court, at any time, for an order to expunge
373 any record in the individual's juvenile record pertaining to an incident where a petition was
374 filed if:

375 (a) the juvenile court does not find, by beyond a reasonable doubt, the allegations in the
376 petition to be true;

377 (b) at least 30 days have passed from the day on which the juvenile court does not find
378 the allegations in the petition to be true; and

379 (c) no appeal is filed for the petition within the 30-day period described in Subsection
380 (1)(b).

381 (2) Upon the filing of a petition for expungement described in Subsection (1), the
382 juvenile court shall, without a hearing, order expungement of any record in the petitioner's
383 juvenile record pertaining to the incident.

384 Section 8. Section **80-6-1004.3** is enacted to read:

385 **80-6-1004.3. Automatic expungement of record of successful nonjudicial**
386 **adjustment -- Effect of successful nonjudicial adjustment completed before effective date.**

387 (1) The juvenile court shall issue, without a petition, an order to expunge an
388 individual's juvenile record if:

389 (a) the individual has reached 18 years old;

390 (b) the individual's juvenile record consists solely of nonjudicial adjustments;

391 (c) the individual has successfully completed each nonjudicial adjustment; and

392 (d) all nonjudicial adjustments were completed on or after October 1, 2022.

393 (2) If an individual's juvenile record consists solely of nonjudicial adjustments that
394 were completed before October 1, 2022:

395 (a) any nonjudicial adjustment in the petitioner's juvenile record is considered to never
396 have occurred if:

397 (i) the individual has reached 18 years old; and

398 (ii) restitution that was a condition of any nonjudicial adjustment in the petitioner's
399 juvenile record has been satisfied; and

400 (b) the individual may reply to any inquiry about a nonjudicial adjustment as though
401 there never was a nonjudicial adjustment.

402 Section 9. Section **80-6-1006** is repealed and reenacted to read:

403 **80-6-1006. Exceptions to expungement -- Service of expungement order --**
404 **Agencies' duties -- Effect of expungement -- Access to expunged record.**

405 (1) (a) Notwithstanding any other provision of this part, the Board of Pardons and
406 Parole and the Department of Corrections:

407 (i) may not be required by the juvenile court to expunge a record in the possession of
408 the Board of Pardons and Parole or the Department of Corrections; and

409 (ii) may be required by the juvenile court to restrict access to records if the records are
410 specifically identified in the expungement order as records in the possession of the Board of
411 Pardons and Parole or the Department of Corrections.

412 (b) Notwithstanding any other provision of this part, the juvenile court may not order
413 the Division of Child and Family Services to expunge any record in an individual's juvenile
414 record that is contained in the Management Information System or the Licensing Information
415 System unless:

416 (i) the record is unsupported; or

417 (ii) after notice and an opportunity to be heard, the Division of Child and Family
418 Services stipulates in writing to expunging the record.

419 (2) If the juvenile court issues an expungement order under this part, the juvenile court
420 shall send a copy of the expungement order to any affected agency or official that the juvenile
421 court can identify from the juvenile record.

422 (3) (a) Except as provided in Subsection (4), upon receipt of an expungement order
423 under this part, an agency shall:

424 (i) to avoid destruction or sealing of records in whole or in part, expunge only the
425 references to the individual's name in the records relating to the petitioner's adjudication,
426 nonjudicial adjustment, petition, or arrest, investigation, or detention for which expungement
427 was ordered; and

428 (ii) except as provided by Subsection (3)(b), destroy all photographs and records under

429 Section 80-6-608.

430 (b) A record of a minor's fingerprints may not be destroyed by an agency.

431 (c) Except as provided by Subsection (4), an agency that receives a copy of the
432 expungement order shall mail an affidavit to the petitioner or the petitioner's attorney verifying
433 that the agency has complied with the expungement order.

434 (4) The Board of Pardons and Parole and the Department of Corrections:

435 (a) may not disclose records expunged in an expungement order unless required by
436 law;

437 (b) are not required to destroy any photograph or record under Section 80-6-608;

438 (c) may use an expunged record under this part for purposes related to incarceration
439 and supervision of a petitioner under the jurisdiction of the Board of Pardons and Parole,
440 including for the purpose of making decisions about:

441 (i) the treatment and programming of the petitioner;

442 (ii) housing of the petitioner;

443 (iii) applicable guidelines regarding the petitioner; or

444 (iv) supervision conditions for the petitioner;

445 (d) are not prohibited by this part from disclosing or sharing any information in an
446 expunged record with another agency that uses the same record management system as the
447 Board of Pardons and Parole or the Department of Corrections; and

448 (e) are not required to mail an affidavit under Subsection (3)(c).

449 (5) Upon entry of an expungement order under this part:

450 (a) an adjudication, a nonjudicial adjustment, a petition, or an arrest, investigation, or
451 detention for which the record is expunged under this part is considered to have never
452 occurred; and

453 (b) the individual, who is the subject of the expungement order, may reply to an inquiry
454 on the matter as though there never was an adjudication, a nonjudicial adjustment, a petition, or
455 an arrest, investigation, or detention.

456 (6) Records expunged under this part may be released to or viewed by the individual
457 who is the subject of the record.

458 Section 10. **Repealer.**

459 This bill repeals:

460 Section **80-6-1005**, **Nonjudicial adjustment expungement.**

461 Section 11. **Effective date.**

462 This bill takes effect on October 1, 2022.