

SB0035S02 compared with SB0035

~~{deleted text}~~ shows text that was in SB0035 but was deleted in SB0035S02.

inserted text shows text that was not in SB0035 but was inserted into SB0035S02.

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Representative Raymond P. Ward proposes the following substitute bill:

EXPUNGEMENT MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Raymond P. Ward

LONG TITLE

~~{Committee Note:~~

~~—————The Judiciary Interim Committee recommended this bill.~~

~~—————Legislative Vote: 13 voting for 0 voting against 4 absent~~

~~{General Description:~~

This bill amends provisions related to expungement.

Highlighted Provisions:

This bill:

- ▶ amends the duties of the Utah Prosecution Council;
- ▶ recodifies Title 77, Chapter 40, Utah Expungement Act;
- ▶ amends definitions related to expungement;
- ▶ amends the procedures for the automatic expungement of certain offenses;
- ▶ amends provisions regarding rules made by the Judicial Council or the Supreme

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Court;

- ▶ modifies the requirements for the automatic deletion of traffic offenses;
- ▶ modifies the requirements for a certificate of eligibility to expunge the records of an arrest, investigation, or detention;
- ▶ modifies the requirements for a certificate of eligibility to expunge a record of a conviction;
- ▶ requires the Bureau of Criminal Identification to provide information needed for the issuance of an expungement order and to provide clear written instructions to petitioners regarding the process for a petition for expungement;
- ~~▶ addresses the expungement of a record associated with another law enforcement agency case number;~~
- ▶ modifies the requirements for a petition for expungement, including notice requirements concerning prosecutorial entities;
- ▶ provides that a certificate of eligibility is not required for a petition of expungement for certain offenses;
- ▶ requires the Bureau of Criminal Identification to notify all criminal justice agencies affected by an order of expungement with an exception for the Board of Pardons and Parole;
- ▶ prohibits employees of an agency from divulging information contained in an expunged record with certain exceptions;
- ▶ allows an agency or a research institution to use expunged records if the agency or a research institution follows certain requirements;
- ▶ allows a prosecuting attorney to communicate with another prosecuting attorney regarding expunged records for certain offenses;
- ▶ prohibits a prosecuting attorney from using an expunged record for a sentencing enhancement or as a basis for charging the individual with an offense that requires a prior conviction, unless there is a showing of good cause; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

53-5-704, as last amended by Laws of Utah 2021, Chapters 141 and 166

53-10-202.5, as last amended by Laws of Utah 2017, Chapter 286

53E-6-506, as last amended by Laws of Utah 2019, Chapter 186

67-5a-1, as last amended by Laws of Utah 2019, Chapter 86

78B-9-108, as last amended by Laws of Utah 2021, Second Special Session, Chapter 4

ENACTS:

77-40a-301, Utah Code Annotated 1953

77-40a-306, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

77-40a-101, (Renumbered from ~~77-40-101~~77-40-102, as ~~enacted~~last amended by Laws of Utah ~~2010~~2021, ~~Chapter 283~~Chapters 206 and 260)

77-40a-102, (Renumbered from ~~77-40-102~~77-40-101.5, as last amended by Laws of Utah 2021, ~~Chapters 206 and 260~~Chapter 262)

77-40a-103, (Renumbered from ~~77-40-101.5~~77-40-113, as ~~last~~renumbered and amended by Laws of Utah ~~2021~~2010, Chapter ~~262~~283)

77-40a-104, (Renumbered from ~~77-40-113~~77-40-111, as ~~renumbered and~~last amended by Laws of Utah ~~2010~~2019, Chapter ~~283~~448)

77-40a-105, (Renumbered from ~~77-40-111~~77-40-104.1, as last amended by Laws of Utah ~~2019~~2021, Chapter ~~448~~)

~~**77-40a-106**, (Renumbered from 77-40-104.1, as last amended by Laws of Utah 2021, Chapter ~~272~~)~~

77-40a-201, (Renumbered from 77-40-114, as last amended by Laws of Utah 2020, Chapter 218)

77-40a-202, (Renumbered from 77-40-115, as enacted by Laws of Utah 2019, Chapter 448)

77-40a-203, (Renumbered from 77-40-116, as enacted by Laws of Utah 2019, Chapter 448)

77-40a-302, (Renumbered from 77-40-104, as last amended by Laws of Utah 2019,

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Chapter 448)

77-40a-303, (Renumbered from 77-40-105, as last amended by Laws of Utah 2021, Chapters 206, 260 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 261)

77-40a-304, (Renumbered from 77-40-106, as last amended by Laws of Utah 2017, Chapter 356)

77-40a-305, (Renumbered from 77-40-107, as last amended by Laws of Utah 2021, Chapter 206)

77-40a-401, (Renumbered from 77-40-108, as last amended by Laws of Utah 2019, Chapter 448)

77-40a-402, (Renumbered from 77-40-108.5, as last amended by Laws of Utah 2019, Chapter 448)

77-40a-403, (Renumbered from 77-40-109, as last amended by Laws of Utah 2019, Chapter 448)

77-40a-404, (Renumbered from 77-40-110, as last amended by Laws of Utah 2019, Chapter 448)

77-40a-405, (Renumbered from 77-40-112, as last amended by Laws of Utah 2017, Chapters 356 and 447)

REPEALS:

[77-40-101, as enacted by Laws of Utah 2010, Chapter 283](#)

77-40-103, as last amended by Laws of Utah 2020, Chapters 12, 12, and 218

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

Section 1. Section **53-5-704** is amended to read:

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(1) (a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years old or older within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

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(b) (i) Within 90 days before the day on which a provisional permit holder under Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply under this section for a permit to carry a concealed firearm for lawful self defense.

(ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

(iii) A permit issued under this Subsection (1)(b):

(A) is not valid until an applicant is 21 years old; and

(B) requires a \$10 application fee.

(iv) A person who applies for a permit under this Subsection (1)(b) is not required to retake the firearms training described in Subsection 53-5-704(8).

(c) The permit is valid throughout the state for five years, without restriction, except as otherwise provided by Section 53-5-710.

(d) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to an individual issued a permit under Subsection (1)(a) or (b).

(e) Subsection (4)(a) does not apply to a nonresident:

(i) active duty service member, who presents to the bureau orders requiring the active duty service member to report for duty in this state; or

(ii) active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.

(2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:

(i) has been or is convicted of a felony;

(ii) has been or is convicted of a crime of violence;

(iii) has been or is convicted of an offense involving the use of alcohol;

(iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;

(v) has been or is convicted of an offense involving moral turpitude;

(vi) has been or is convicted of an offense involving domestic violence;

(vii) has been or is adjudicated by a state or federal court as mentally incompetent,

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unless the adjudication has been withdrawn or reversed; and

(viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503 and federal law.

(b) In determining whether an applicant or permit holder is qualified to hold a permit under Subsection (2)(a), the bureau shall consider mitigating circumstances.

(3) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has reasonable cause to believe that the applicant or permit holder has been or is a danger to self or others as demonstrated by evidence, including:

(i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

(ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or

(iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

(b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

(c) In determining whether the applicant or permit holder has been or is a danger to self or others, the bureau may inspect:

(i) expunged records of arrests and convictions of adults as provided in Section ~~[77-40-109]~~ 77-40a-403; and

(ii) juvenile court records as provided in Section 78A-6-209.

(d) (i) The bureau shall suspend a concealed firearm permit if a permit holder becomes a temporarily restricted person in accordance with Section 53-5c-301.

(ii) Upon removal from the temporary restricted list, the permit holder's permit shall be reinstated unless:

(A) the permit has been revoked, been suspended for a reason other than the restriction described in Subsection (3)(d)(i), or expired; or

(B) the permit holder has become a restricted person under Section 76-10-503.

(4) (a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law shall:

(i) hold a current concealed firearm or concealed weapon permit issued by the

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appropriate permitting authority of the nonresident applicant's state of residency; and

(ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit for a period of 10 years.

(c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm permit that are received by the bureau after May 10, 2011.

(d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for renewal of a concealed firearm permit by a nonresident.

(5) The bureau shall issue a concealed firearm permit to a former peace officer who departs full-time employment as a peace officer, in an honorable manner, within five years of that departure if the officer meets the requirements of this section.

(6) Except as provided in Subsection (7), the bureau shall also require the applicant to provide:

(a) the address of the applicant's permanent residence;

(b) one recent dated photograph;

(c) one set of fingerprints; and

(d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection (8).

(7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a letter of good standing from the officer's commanding officer in place of the evidence required by Subsection (6)(d).

(8) (a) General familiarity with the types of firearms to be concealed includes training in:

(i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and

(ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.

(b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by

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one of the following:

(i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;

(ii) certification of general familiarity by an individual who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or

(iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.

(c) Instruction taken by a student under this Subsection (8) shall be in person and not through electronic means.

(d) A person applying for a renewal permit is not required to retake the firearms training described in this Subsection 53-5-704(8) if the person:

(i) has an unexpired permit; or

(ii) has a permit that expired less than one year before the date on which the renewal application was submitted.

(9) (a) An applicant for certification as a Utah concealed firearms instructor shall:

(i) be at least 21 years old;

(ii) be currently eligible to possess a firearm under Section 76-10-503;

(iii) have:

(A) completed a firearm instruction training course from the National Rifle Association or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or

(B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;

(iv) have taken a course of instruction and passed a certification test as described in Subsection (9)(c); and

(v) possess a Utah concealed firearm permit.

(b) An instructor's certification is valid for three years from the date of issuance, unless revoked by the bureau.

(c) (i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.

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(ii) (A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)(i) twice every year.

(B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.

(d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of \$50.00 at the time of application for initial certification.

(ii) The renewal fee for the certificate is \$25.

(iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated credit to cover the cost incurred in maintaining and improving the instruction program required for concealed firearm instructors under this Subsection (9).

(10) A certified concealed firearms instructor shall provide each of the instructor's students with the required course of instruction outline approved by the bureau.

(11) (a) (i) A concealed firearms instructor shall provide a signed certificate to an individual successfully completing the offered course of instruction.

(ii) The instructor shall sign the certificate with the exact name indicated on the instructor's certification issued by the bureau under Subsection (9).

(iii) (A) The certificate shall also have affixed to it the instructor's official seal, which is the exclusive property of the instructor and may not be used by any other individual.

(B) The instructor shall destroy the seal upon revocation or expiration of the instructor's certification under Subsection (9).

(C) The bureau shall determine the design and content of the seal to include at least the following:

(I) the instructor's name as it appears on the instructor's certification;

(II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and

(III) the instructor's business or residence address.

(D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.

(b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).

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(12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:

- (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or
- (b) knowingly and willfully provided false information to the bureau.

(13) An applicant for certification or a concealed firearms instructor has the same appeal rights as described in Subsection (16).

(14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.

(15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.

(16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is received by the applicant or permit holder by certified mail, return receipt requested.

(b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.

(c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.

(e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.

(ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).

(iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.

(17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

Section 2. Section **53-10-202.5** is amended to read:

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53-10-202.5. Bureau services -- Fees.

The bureau shall collect fees for the following services:

- (1) applicant fingerprint card as determined by Section 53-10-108;
- (2) bail enforcement licensing as determined by Section 53-11-115;
- (3) concealed firearm permit as determined by Section 53-5-707;
- (4) provisional concealed firearm permit as determined by Section 53-5-707.5;
- (5) application for and issuance of a certificate of eligibility for expungement as ~~determined by Section 77-40-106~~ described in Section 77-40a-304;
- (6) firearm purchase background check as determined by Section 76-10-526;
- (7) name check as determined by Section 53-10-108;
- (8) private investigator licensing as determined by Section 53-9-111; and
- (9) right of access as determined by Section 53-10-108.

Section 3. Section **53E-6-506** is amended to read:

53E-6-506. UPPAC duties and procedures.

- (1) The state board may direct UPPAC to review a complaint about an educator and recommend that the state board:
 - (a) dismiss the complaint; or
 - (b) investigate the complaint in accordance with this section.
 - (2) (a) The state board may direct UPPAC to:
 - (i) in accordance with this section, investigate a complaint's allegation or decision; or
 - (ii) hold a hearing.
 - (b) UPPAC may initiate a hearing as part of an investigation.
 - (c) Upon completion of an investigation or hearing, UPPAC shall:
 - (i) provide findings to the state board; and
 - (ii) make a recommendation for state board action.
 - (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to adversely affect an educator's license unless UPPAC gives the educator an opportunity for a hearing.
- (3) (a) The state board may:
 - (i) select an independent investigator to conduct a UPPAC investigation with UPPAC oversight; or

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(ii) authorize UPPAC to select and oversee an independent investigator to conduct an investigation.

(b) In conducting an investigation, UPPAC or an independent investigator shall conduct the investigation independent of and separate from a related criminal investigation.

(c) In conducting an investigation, UPPAC or an independent investigator may:

(i) in accordance with Section 53E-6-606 administer oaths and issue subpoenas; or

(ii) receive evidence related to an alleged offense, including sealed or expunged records released to the state board under Section [~~77-40-109~~] 77-40a-403.

(d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may recommend that the state board initiate a background check on an educator as described in Section 53G-11-403.

(e) UPPAC has a rebuttable presumption that an educator committed a sexual offense against a minor child if the educator voluntarily surrendered a license or certificate or allowed a license or certificate to lapse in the face of a charge of having committed a sexual offense against a minor child.

(4) The state board may direct UPPAC to:

(a) recommend to the state board procedures for:

(i) receiving and processing complaints;

(ii) investigating a complaint's allegation or decision;

(iii) conducting hearings; or

(iv) reporting findings and making recommendations to the state board for state board action;

(b) recommend to the state board or a professional organization of educators:

(i) standards of professional performance, competence, and ethical conduct for educators; or

(ii) suggestions for improvement of the education profession; or

(c) fulfill other duties the state board finds appropriate.

(5) UPPAC may not participate as a party in a dispute relating to negotiations between:

(a) a school district and the school district's educators; or

(b) a charter school and the charter school's educators.

(6) The state board shall make rules establishing UPPAC duties and procedures.

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Section 4. Section **67-5a-1** is amended to read:

67-5a-1. Utah Prosecution Council -- Duties -- Membership.

(1) There is created within the Office of the Attorney General the Utah Prosecution Council, referred to as the council in this chapter.

(2) The council shall:

(a) (i) provide training and continuing legal education for state and local prosecutors;
and

(ii) ensure that any training or continuing legal education described in Subsection (2)(a)(i) complies with Title 63G, Chapter 22, State Training and Certification Requirements;

(b) provide assistance to local prosecutors;

(c) as funds are available and as are budgeted for this purpose, provide reimbursement for unusual expenses related to prosecution for violations of state laws; ~~and~~

(d) provide training and assistance to law enforcement officers, as required elsewhere within this code~~[-]~~; and

(e) (i) gather and maintain contact information for all prosecuting entities in the state;

(ii) provide the contact information for all prosecuting entities in the state to the Utah state courts; and

(iii) publish the contact information for all prosecuting entities in the state on the council's website.

(3) The council shall be composed of 12 members, selected as follows:

(a) the attorney general or a designated representative;

(b) the commissioner of public safety or a designated representative;

(c) four currently serving county or district attorneys designated by the county or district attorneys' section of the Utah Association of Counties;

(d) four city prosecutors designated as follows:

(i) two by the Utah Municipal Attorneys Association; and

(ii) two by the Utah Misdemeanor Prosecutors Association~~[-]~~;

(e) the chair of the Board of Directors of the Statewide Association of Prosecutors and Public Attorneys of Utah; and

(f) the chair of the governing board of the Utah Prosecutorial Assistants Association.

(4) Council members designated in Subsections (3)(c) and (3)(d) shall be approved by

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a majority vote of currently serving council members.

(5) A county or district attorney's term expires when a successor is designated by the county or district attorneys' section or when the county or district attorney is no longer serving as a county attorney or district attorney, whichever occurs first.

(6) A city prosecutor's term expires when a successor is designated by the association or when the city prosecutor is no longer employed as a city prosecutor, whichever occurs first.

Section 5. Section ~~77-40a-101~~, which is renumbered from Section ~~{77-40-101}~~77-40-102 is renumbered and amended to read:

CHAPTER 40a. EXPUNGEMENT

Part 1. General Provisions

~~[{77-40-101}~~77-40-102]. ~~77-40a-101.~~ ~~Title:~~

~~— This chapter is known as [the "Utah Expungement Act."] "Expungement."
— Section 6. Section 77-40a-102, which is renumbered from Section 77-40-102 is
renumbered and amended to read:~~

~~— [77-40-102]. — 77-40a-102.] Definitions.~~

As used in this chapter:

~~[(1) "Administrative finding" means a decision upon a question of fact reached by an administrative agency following an administrative hearing or other procedure satisfying the requirements of due process.]~~

~~[(2)] (1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.~~

~~[(3)] (2) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.~~

~~[(4)] (3) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.~~

~~[(5)] (4) (a) ["Clean] Except as provided in Subsection (4)(c), "clean slate eligible case" means a case:~~

~~(i) where[, except as provided in Subsection (5)(c);] each conviction within the case is:~~

~~(A) a misdemeanor conviction for possession of a controlled substance in violation of~~

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Subsection 58-37-8(2)(a)(i);

(B) a class B or class C misdemeanor conviction; or

(C) an infraction conviction;

(ii) that involves an individual:

(A) whose total number of convictions in Utah state courts, not including infractions, traffic offenses, or minor regulatory offenses, does not exceed the limits described in Subsections ~~[77-40-105(6) and (7)]~~ 77-40a-303(5) and (6) without taking into consideration the exception in Subsection ~~[77-40-105(9)]~~ 77-40a-303(8); and

(B) against whom no criminal proceedings are pending in the state; and

(iii) for which the following time periods have elapsed from the day on which the case is adjudicated:

(A) at least five years for a class C misdemeanor or an infraction;

(B) at least six years for a class B misdemeanor; and

(C) at least seven years for a class A conviction for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).

(b) "Clean slate eligible case" includes a case:

(i) that is dismissed as a result of a successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b) if:

~~[(i)]~~ (A) except as provided in Subsection ~~[(5)]~~ (4)(c), each charge within the case is ~~[: (A)]~~ a misdemeanor for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i) ~~[: (B)]~~, a class B or class C misdemeanor ~~[: or (C)]~~, or an infraction;

~~[(ii)]~~ (B) the individual involved meets the requirements of Subsection ~~[(5)]~~ (4)(a)(ii); and

~~[(iii)]~~ (C) the time periods described in Subsections ~~[(5)]~~ (4)(a)(iii)(A) through (C) have elapsed from the day on which the case is dismissed ~~[:]; or~~

(ii) where charges are dismissed without prejudice if each conviction, or charge that was dismissed, in the case would otherwise meet the requirements under Subsection (4)(a) or (b)(i).

(c) "Clean slate eligible case" does not include a case:

(i) where the individual is found not guilty by reason of insanity;

(ii) where the case establishes a criminal accounts receivable, as defined in Section

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77-32b-102, that:

(A) has been entered as a civil accounts receivable or a civil judgment of restitution, as those terms are defined in Section 77-32b-102, and transferred to the Office of State Debt Collection under Section 77-18-114; or

(B) has not been satisfied according to court records; or

(iii) that resulted in one or more pleas held in abeyance or convictions for the following offenses:

(A) any of the offenses listed in Subsection [~~77-40-105(2)(a)~~] 77-40a-303(1)(a);

(B) an offense against the person in violation of Title 76, Chapter 5, Offenses Against the Person;

(C) a weapons offense in violation of Title 76, Chapter 10, Part 5, Weapons;

(D) sexual battery in violation of Section 76-9-702.1;

(E) an act of lewdness in violation of Section 76-9-702 or 76-9-702.5;

(F) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

(G) damage to or interruption of a communication device in violation of Section 76-6-108;

(H) a domestic violence offense as defined in Section 77-36-1; or

(I) any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a class A misdemeanor conviction for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).

[~~(6)~~] (5) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.

(6) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.

(7) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.

[~~(7)~~] (8) "Department" means the Department of Public Safety established in Section 53-1-103.

[~~(8)~~] (9) "Drug possession offense" means an offense under:

(a) Subsection 58-37-8(2), except any offense under Subsection 58-37-8(2)(b)(i),

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possession of 100 pounds or more of marijuana, any offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility or Subsection 58-37-8(2)(g), driving with a controlled substance illegally in the person's body and negligently causing serious bodily injury or death of another;

(b) Subsection 58-37a-5(1), use or possession of drug paraphernalia;

(c) Section 58-37b-6, possession or use of an imitation controlled substance; or

(d) any local ordinance which is substantially similar to any of the offenses described in this Subsection [~~(8)~~] (9).

~~(9)~~ (10) "Expunge" means to seal or otherwise restrict access to the individual's record held by an agency when the record includes a criminal investigation, detention, arrest, or conviction.

~~(10)~~ (11) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

~~(11) "Minor regulatory offense" means any class B or C misdemeanor offense, and any local ordinance, except:]~~

(12) (a) Except as provided in Subsection (12)(c), "minor regulatory offense" means a class B or C misdemeanor or a local ordinance.

(b) "Minor regulatory offense" includes an offense under Section 76-9-701 or 76-10-105.

(c) "Minor regulatory offense" does not include:

~~(a)~~ (i) any drug possession offense;

~~(b)~~ (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

~~(c)~~ (iii) an offense under Sections 73-18-13 through 73-18-13.6;

~~(d) those offenses defined in]~~ (iv) except as provided in Subsection (12)(b), an offense under Title 76, Utah Criminal Code; or

~~(e)~~ (v) any local ordinance that is substantially similar to [~~those offenses listed in Subsections (11)(a) through (d)] an offense listed in Subsections (12)(c)(i) through (iv).~~

~~(12)~~ (13) "Petitioner" means an individual applying for expungement under this chapter.

~~(13)~~ (14) (a) "Traffic offense" means:

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(i) all infractions, class B misdemeanors, and class C misdemeanors in Title 41, Chapter 6a, Traffic Code;

(ii) an offense under Title 53, Chapter 3, Part 2, Driver Licensing Act;

(iii) an offense under Title 73, Chapter 18, State Boating Act; and

(iv) all local ordinances that are substantially similar to [~~those offenses~~] an offense listed in Subsections (14)(a)(i) through (iii).

(b) "Traffic offense" does not mean:

(i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

(ii) an offense under Sections 73-18-13 through 73-18-13.6; or

(iii) any local ordinance that is substantially similar to [~~the offenses listed in Subsections (13)(b)(i) and (ii)~~] an offense listed in Subsection (14)(b)(i) or (ii).

(15) "Traffic offense case" means that each offense in the case is a traffic offense.

Section ~~{7}6~~. Section ~~{77-40a-103}~~77-40a-102, which is renumbered from Section 77-40-101.5 is renumbered and amended to read:

~~[77-40-101.5]~~. ~~{77-40a-103}~~77-40a-102. **Applicability to juvenile court records.**

This chapter does not apply to an expungement of a record for an adjudication under Section 80-6-701 or a nonjudicial adjustment, as that term is defined in Section 80-1-102, of an offense in the juvenile court.

Section ~~{8}7~~. Section ~~{77-40a-104}~~77-40a-103, which is renumbered from Section 77-40-113 is renumbered and amended to read:

~~[77-40-113]~~. ~~{77-40a-104}~~77-40a-103. **Retroactive application.**

The provisions of this chapter apply retroactively to all arrests and convictions regardless of the date on which the arrests were made or convictions were entered.

Section ~~{9}8~~. Section ~~{77-40a-105}~~77-40a-104, which is renumbered from Section 77-40-111 is renumbered and amended to read:

~~[77-40-111]~~. ~~{77-40a-105}~~77-40a-104. **Rulemaking authority.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to:

(1) implement procedures for processing an automatic expungement;

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- (2) implement procedures for applying for certificates of eligibility;
- (3) specify procedures for receiving a certificate of eligibility; and
- (4) create forms and determine information necessary to be provided to the bureau.

Section ~~{10}9~~. Section ~~{77-40a-106}~~77-40a-105, which is renumbered from Section 77-40-104.1 is renumbered and amended to read:

~~[77-40-104.1]~~. 77-40a-10677-40a-105. **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) (a) An individual whose criminal case is dismissed, or civil case filed in accordance with Title 78B, Chapter 7, Protective Orders and Stalking Injunctions, is 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]~~.

(b) If a motion is filed under Subsection (2)(a), the court shall grant ~~[that relief]~~ the motion if:

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

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

~~[(c)]~~ (iii) 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.

Section ~~{11}10~~. Section ~~77-40a-201~~, which is renumbered from Section 77-40-114 is renumbered and amended to read:

Part 2. Automatic Expungement and Deletion

~~[77-40-114]~~. 77-40a-201. **Automatic expungement procedure.**

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(1) (a) Except as provided in Subsection (1)(b) and subject to Section ~~[77-40-116]~~ 77-40a-203, this section governs the process for the automatic expungement of all records in:

(i) except as provided in Subsection (2)~~(d)~~(e), a case that resulted in an acquittal on all charges;

(ii) except as provided in Subsection (3)~~(d)~~(e), a case that is dismissed with prejudice; or

(iii) a case that is a clean slate eligible case.

(b) This section does not govern automatic expungement of a traffic offense.

(2) (a) Except as provided in Subsection (2)~~(d)~~(e), the process for automatic expungement of records for a case that resulted in an acquittal on all charges is as described in Subsections (2)(b) through ~~(c)~~ (d).

(b) If a court determines that the requirements for automatic expungement have been met, a district court or justice court shall:

(i) issue, without a petition, an expungement order; and

(ii) based on information available, notify the bureau and the prosecuting agency identified in the case of the order of expungement.

(c) The bureau, upon receiving notice from the court, shall notify the law enforcement agencies identified in the case of the order of expungement.

(d) For a case resulting in an acquittal on all charges on or before May 1, 2020, that is automatically expunged under this Subsection (2), a law enforcement agency shall expunge records for the case within one year after the day on which the law enforcement agency receives notice from the bureau.

~~(d)~~ (e) For purposes of this section, a case that resulted in acquittal on all charges does not include a case that resulted in an acquittal because the individual is found not guilty by reason of insanity.

(3) (a) The process for an automatic expungement of a case that is dismissed with prejudice is as described in Subsections (3)(b) through ~~(c)~~ (d).

(b) If a court determines that the requirements for automatic expungement have been met, a district court or justice court shall:

(i) issue, without a petition, an expungement order; and

(ii) based on information available, notify the bureau and the prosecuting agency

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identified in the case of the order of expungement.

(c) The bureau, upon receiving notice from the court, shall notify the law enforcement agencies identified in the case of the order of expungement.

(d) For a case dismissed on or before May 1, 2020, that is automatically expunged under this Subsection (3), a law enforcement agency shall expunge records for the case within one year after the day on which the law enforcement agency receives notice from the bureau.

~~[(d)]~~ (e) For purposes of this Subsection (3), a case that is dismissed with prejudice does not include a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b).

(4) (a) The process for the automatic expungement of a clean slate eligible case is as described in Subsections (4)(b) through ~~[(f)]~~ (g) and in accordance with any rules made by the Judicial Council ~~[as described in Subsection (4)(g)]~~ or the Supreme Court.

(b) A prosecuting agency, that has complied with Rule 42 of the Utah Rules of Criminal Procedure, shall receive notice on a monthly basis for any case prosecuted by that agency that appears to be a clean slate eligible case.

(c) Within 35 days of the day on which the notice described in Subsection (4)(b) is sent, the prosecuting agency shall provide written notice in accordance with any rules made by the Judicial Council or the Supreme Court if the prosecuting agency objects to an automatic expungement for any of the following reasons:

(i) after reviewing the agency record, the prosecuting agency believes that the case does not meet the definition of a clean slate eligible case;

(ii) the individual has not paid court-ordered restitution to the victim; or

(iii) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an individual with a clean slate eligible case is continuing to engage in criminal activity within or outside of the state.

(d) (i) If a prosecuting agency provides written notice of an objection for a reason described in Subsection (4)(c) within 35 days of the day on which the notice described in Subsection (4)(b) is sent, the court may not proceed with automatic expungement.

(ii) If 35 days pass from the day on which the notice described in Subsection (4)(b) is sent without the prosecuting agency providing written notice of an objection for a reason described in Subsection (4)(c), the court may proceed with automatic expungement.

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(e) If a court determines that the requirements for automatic expungement have been met, a district court or justice court shall:

(i) issue, without a petition, an expungement order; and

(ii) based on information available, notify the bureau and the prosecuting agency identified in the case of the order of expungement.

(f) The bureau, upon receiving notice from the court, shall notify the law enforcement agencies identified in the case of the order of expungement.

~~[(g) The Judicial Council shall make rules to govern the process for automatic expungement of records for a clean slate eligible case in accordance with this Subsection (4).]~~

(g) For a clean slate case adjudicated or dismissed on or before May 1, 2020, that is automatically expunged under this Subsection (4), a law enforcement agency shall expunge records for the case within one year after the day on which the law enforcement agency receives notice from the bureau.

(5) Nothing in this section precludes an individual from filing a petition for expungement of records that are eligible for automatic expungement under this section if an automatic expungement has not occurred pursuant to this section.

(6) An automatic expungement performed under this section does not preclude a person from requesting access to expunged records in accordance with Section ~~[77-40-109 or 77-40-110.]~~ 77-40a-403 or 77-40a-404.

(7) (a) The Judicial Council and the Supreme Court shall make rules to govern the process for automatic expungement.

(b) The rules under Subsection (7)(a) may authorize:

(i) a presiding judge of a district court to issue an expungement order for any case when the requirements for automatic expungement are met; and

(ii) a presiding judge of a justice court to issue an expungement order for any justice court case within the presiding judge's judicial district when the requirements for automatic expungement are met.

Section ~~{12}~~11. Section **77-40a-202**, which is renumbered from Section 77-40-115 is renumbered and amended to read:

~~[77-40-115].~~ **77-40a-202. Automatic deletion for traffic offense.**

(1) Subject to Section ~~[77-40-116]~~ 77-40a-203, records for the following traffic

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offenses shall be deleted without a court order or notice to the prosecuting agency:

(a) a traffic offense case that resulted in an acquittal on all charges;

(b) a traffic offense case that is dismissed with prejudice, ~~[other than]~~ except for a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b); or

(c) a traffic offense case ~~[that is a clean slate eligible case, as that term is defined in Section 77-40-102.]~~ for which the following time periods have elapsed from the day on which the case is adjudicated:

(i) at least five years for a class C misdemeanor or an infraction; or

(ii) at least six years for a class B misdemeanor.

(2) The Judicial Council shall make rules to provide an ongoing process for identifying and deleting records on all traffic offenses described in Subsection (1).

Section ~~{13}~~12. Section **77-40a-203**, which is renumbered from Section 77-40-116 is renumbered and amended to read:

~~[77-40-116].~~ **77-40a-203. Time periods for expungement or deletion --**

Identification and processing of clean slate eligible cases.

(1) Reasonable efforts within available funding shall be made to expunge or delete a case as quickly as is practicable with the goal of:

(a) for cases adjudicated on or after May 1, 2020:

(i) expunging a case that resulted in an acquittal on all charges, 60 days after the acquittal;

(ii) expunging a case that resulted in a dismissal with prejudice, other than a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b), 180 days after:

(A) for a case in which no appeal was filed, the day on which the entire case against the individual is dismissed with prejudice; or

(B) for a case in which an appeal was filed, the day on which a court issues a final unappealable order;

(iii) expunging a clean slate eligible case that is not a traffic offense within 30 days of the court, in accordance with Section ~~[77-40-114]~~ 77-40a-201, determining that the requirements for expungement have been satisfied; or

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(iv) deleting [~~a clean slate eligible case that is a traffic offense upon identification~~] a traffic offense case described in Subsection 77-40a-202(1)(c) upon identification; and

(b) for cases adjudicated before May 1, 2020, expunging or deleting a case within one year of the day on which the case is identified as eligible for automatic expungement or deletion.

(2) (a) The Judicial Council or the Supreme Court shall make rules governing the identification and processing of clean slate eligible cases in accordance with [~~Sections 77-40-114 and 77-40-115;~~] Section 77-40a-201.

(b) Reasonable efforts shall be made to identify and process all clean slate eligible cases in accordance with [~~Sections 77-40-114 and 77-40-115;~~] Section 77-40a-201.

(c) An individual does not have a cause of action for damages as a result of the failure to identify an individual's case as a clean slate eligible case or to automatically expunge or delete the records of a clean slate eligible case.

Section ~~{14}~~13. Section **77-40a-301** is enacted to read:

Part 3. Petition for Expungement

77-40a-301. Application for certificate of eligibility for expungement -- Penalty for false or misleading information on application.

(1) If an individual seeks to expunge the individual's criminal record in regard to an arrest, investigation, detention, or conviction, the individual shall:

(a) except as provided in Subsection 77-40a-305(3) or (4), apply to the bureau for a certificate of eligibility for expungement of the criminal record and pay the application fee as described in Section 77-40a-304;

(b) if the individual is qualified to receive a certificate of eligibility, pay the issuance fee for the certificate of eligibility as described in Section 77-40a-304; and

(c) file a petition for expungement in accordance with Section 77-40a-305.

(2) (a) An individual who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.

(b) Regardless of whether the individual is prosecuted, the bureau may deny a certificate of eligibility to anyone who knowingly provides false information on an application.

Section ~~{15}~~14. Section **77-40a-302**, which is renumbered from Section 77-40-104 is

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renumbered and amended to read:

~~[77-40-104].~~ 77-40a-302. **Requirements for certificate of eligibility to expunge records of arrest, investigation, and detention.**

An individual who is arrested or formally charged with an offense [~~may apply to the bureau for~~] is eligible to receive a certificate of eligibility from the bureau to expunge the records of arrest, investigation, and detention that may have been made in the case[~~, subject to the following conditions~~] if:

(1) at least 30 days have passed since the day of the arrest for which a certificate of eligibility is sought;

(2) there are no criminal proceedings or pleas in abeyance pending against the individual; [~~and~~]

(3) the individual is not currently on probation or parole;

(4) there is not a criminal protective order or a criminal stalking injunction in effect for the case;

(5) there are no convictions in the case for a traffic offense; and

~~(3)~~ (6) one of the following occurs:

(a) charges are screened by the investigating law enforcement agency and the [~~prosecutor~~] prosecuting attorney makes a final determination that no charges will be filed in the case;

(b) (i) [~~the entire case is dismissed with prejudice; (c) the entire case is~~] all charges contained in the case are dismissed; and

(ii) if any charge contained in the case is dismissed without prejudice or without condition [~~and~~]:

~~(i)~~ (A) the [~~prosecutor~~] prosecuting attorney consents in writing to the issuance of a certificate of eligibility; or

~~(ii)~~ (B) at least 180 days have passed since the day on which [~~the case is~~] the charge is dismissed;

~~(d)~~ (C) the individual is acquitted at trial on all of the charges contained in the case; or

~~(e)~~ (D) the statute of limitations expires on all of the charges contained in the case.

Section ~~(16)~~ 15. Section **77-40a-303**, which is renumbered from Section 77-40-105 is renumbered and amended to read:

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~~[77-40-105].~~ 77-40a-303. **Requirements for a certificate of eligibility to expunge records of a conviction.**

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

~~[(2)]~~ (1) Except as provided in ~~[Subsection (3)]~~ Subsections (2) and (4), an individual is not eligible to receive a certificate of eligibility from the bureau to expunge the records of a conviction if:

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

(i) a capital felony;

(ii) a first degree felony;

(iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);

(iv) felony automobile homicide;

(v) a felony conviction described in Subsection 41-6a-501(2);

~~[(vi) a registerable sex offense as defined in Subsection 77-41-102(17); or]~~

(vi) an offense, or a combination of offenses, that would require the individual to register as a sex offender, as defined in Section 77-41-102; or

(vii) a registerable child abuse offense as defined in Subsection 77-43-102(2);

(b) a criminal proceeding or a plea in abeyance is pending against the petitioner; ~~[or]~~

(c) the petitioner is on probation or parole;

~~[(c)]~~ (d) the petitioner intentionally or knowingly provides false or misleading information on the application for a certificate of eligibility~~[-];~~ or

(e) a criminal protective order or a criminal stalking injunction is in effect for the case.

~~[(3)]~~ (2) The eligibility limitation described in Subsection ~~[(2)]~~ (1) does not apply in relation to a conviction for a qualifying sexual offense, as defined in Subsection 76-3-209(1), if, at the time of the offense, the individual who committed the offense was at least 14 years old, but under 18 years old, unless the conviction occurred in district court after the individual was:

(a) charged by criminal information under Section 80-6-502 or 80-6-503; and

(b) bound over to district court under Section 80-6-504.

~~[(4)]~~ (3) A petitioner seeking to obtain expungement for a record of conviction is not

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eligible to receive a certificate of eligibility from the bureau until all of the following have occurred:

(a) the petitioner has paid in full all fines and interest ordered by the court related to the conviction for which expungement is sought;

(b) the petitioner has paid in full all restitution ordered by the court under Section 77-38b-205; and

(c) the following time periods have elapsed from the date the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for each conviction the petitioner seeks to expunge:

(i) 10 years in the case of a misdemeanor conviction of Subsection 41-6a-501(2) or a felony conviction of Subsection 58-37-8(2)(g);

(ii) seven years in the case of a felony;

(iii) five years in the case of any class A misdemeanor or a felony drug possession offense;

(iv) four years in the case of a class B misdemeanor; or

(v) three years in the case of any other misdemeanor or infraction.

~~[(5)]~~ (4) When determining whether to issue a certificate of eligibility for a conviction, the bureau may not consider:

(a) a petitioner's pending or previous:

(i) infraction;

(ii) traffic offense;

(iii) minor regulatory offense; or

(iv) clean slate eligible case that was automatically expunged in accordance with Section ~~[77-40-114]~~ 77-40a-201; or

(b) a fine or fee related to an offense described in Subsection ~~[(5)]~~ (4)(a).

~~[(6) The]~~ (5) Except as provided in Subsection (8), the bureau may not issue a certificate of eligibility for a conviction if, at the time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following~~[-, except as provided in Subsection (9)]~~:

(a) two or more felony convictions other than for drug possession offenses, each of which is contained in a separate criminal episode;

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(b) any combination of three or more convictions other than for drug possession offenses that include two class A misdemeanor convictions, each of which is contained in a separate criminal episode;

(c) any combination of four or more convictions other than for drug possession offenses that include three class B misdemeanor convictions, each of which is contained in a separate criminal episode; or

(d) five or more convictions other than for drug possession offenses of any degree whether misdemeanor or felony, each of which is contained in a separate criminal episode.

~~[(7) The]~~ (6) Except as provided in Subsection (8), the bureau may not issue a certificate of eligibility for a conviction if, at the time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:

(a) three or more felony convictions for drug possession offenses, each of which is contained in a separate criminal episode; or

(b) any combination of five or more convictions for drug possession offenses, each of which is contained in a separate criminal episode.

~~[(8)]~~ (7) If the petitioner's criminal history contains convictions for both a drug possession offense and a ~~[non-drug]~~ non-drug possession offense arising from the same criminal episode, that criminal episode shall be counted as provided in Subsection ~~[(6)]~~ (5) if any ~~[non-drug]~~ non-drug possession offense in that episode:

(a) is a felony or class A misdemeanor; or

(b) has the same or a longer waiting period under Subsection ~~[(4)]~~ (3) than any drug possession offense in that episode.

~~[(9)]~~ (8) If at least 10 years have elapsed from the date the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for all convictions~~;~~ then]:

(a) each numerical eligibility limit defined in ~~[Subsection (6)]~~ Subsections (5)(a) and (b) shall be increased by one~~[-];~~ and

(b) each numerical eligibility limit defined in Subsections (5)(c), (5)(d), and (6) are not applicable and the bureau may issue a certificate of eligibility if:

(i) the individual is otherwise eligible; and

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(ii) the highest convicted offense in the criminal episode for each conviction is:

(A) a class B misdemeanor;

(B) a class C misdemeanor;

(C) a drug possession offense if none of the non-drug possession offenses in the criminal episode are a felony or a class A misdemeanor; or

(D) an infraction.

~~[(10)]~~ (9) If, prior to May 14, 2013, the petitioner has received a pardon from the Utah Board of Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned crimes ~~[pursuant to]~~ in accordance with Section 77-27-5.1.

Section ~~{17}~~ 16. Section **77-40a-304**, which is renumbered from Section 77-40-106 is renumbered and amended to read:

~~[77-40-106].~~ **77-40a-304. Certificate of eligibility process -- Issuance of certificate -- Fees.**

~~[(1)(a) A petitioner seeking to obtain an expungement for a criminal record shall apply for a certificate of eligibility from the bureau.]~~

~~[(b) A petitioner who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.]~~

~~[(c) Regardless of whether the petitioner is prosecuted, the bureau may deny a certificate of eligibility to anyone who knowingly provides false information on an application.]~~

~~[(2)]~~ (1) (a) ~~[The]~~ When a petitioner applies for a certificate of eligibility as described in Subsection 77-40a-301(1), the bureau shall perform a check of records of governmental agencies, including national criminal data bases, to determine whether [a] the petitioner is eligible to receive a certificate of eligibility under this chapter.

(b) For purposes of determining eligibility under this chapter, the bureau may review records of arrest, investigation, detention, and conviction that have been previously expunged, regardless of the jurisdiction in which the expungement occurred.

(c) Once the eligibility process is complete, the bureau shall notify the petitioner.

~~[(c)]~~ (d) ~~{f}~~ Except as provided in Subsection (1)(f), if the petitioner meets all of the criteria under Section ~~[77-40-104 or 77-40-105;]~~ 77-40a-302 or 77-40a-303:

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(i) the bureau shall issue a certificate of eligibility [to the petitioner which shall be] that is valid for a period of [90] 180 days from the [date] day on which the certificate is issued[-];

(ii) the bureau shall provide a petitioner with an identification number for the certificate of eligibility; and

(iii) the petitioner shall pay the issuance fee established by the department as described in Subsection (2).

~~[(d)]~~ (e) If, after reasonable research, a disposition for an arrest on the criminal history file is unobtainable, the bureau may issue a special certificate giving determination of eligibility to the court[-] if:

(i) there are no criminal proceedings or pleas in abeyance pending against the petitioner; and

(ii) the petitioner is not currently on probation or parole.

~~{ (f) The bureau may not issue a certificate of eligibility for a record of an arrest, detention, investigation, or conviction if the law enforcement agency case number listed on the court docket for the case for which expungement is sought is also associated with a law enforcement agency case number listed on a court docket for a case in court records that is not eligible for expungement under this chapter.~~

~~† [(3)]~~ (2) (a) The bureau shall charge application and issuance fees for a certificate of eligibility or special certificate in accordance with the process in Section 63J-1-504.

(b) The application fee shall be paid at the time the petitioner submits an application for a certificate of eligibility to the bureau.

(c) If the bureau determines that the issuance of a certificate of eligibility or special certificate is appropriate, the petitioner will be charged an additional fee for the issuance of a certificate of eligibility or special certificate unless Subsection [(3)] (2)(d) applies.

(d) An issuance fee may not be assessed against a petitioner who qualifies for a certificate of eligibility under Section [77-40-104] 77-40a-302 unless the charges were dismissed pursuant to a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance, or a diversion agreement under Title 77, Chapter 2, Prosecution, Screening, and Diversion.

(e) Funds generated under this Subsection [(3)] (2) shall be deposited in the General Fund as a dedicated credit by the department to cover the costs incurred in determining

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eligibility.

~~[(4)] (3)~~ The bureau shall ~~[provide clear written directions to the petitioner along with a list of agencies known to be affected by an order of expungement.]~~ include on the certificate of eligibility all information that is needed for the court to issue a valid expungement order.

(4) The bureau shall provide clear written instructions to the petitioner that explain:

(a) the process for a petition for expungement; and

(b) what is required of the petitioner to complete the process for a petition for expungement.

Section ~~{18}~~17. Section **77-40a-305**, which is renumbered from Section 77-40-107 is renumbered and amended to read:

~~[77-40-107].~~ **77-40a-305. Petition for expungement -- Prosecutorial responsibility -- Hearing.**

~~[(1) The petitioner shall file a petition for expungement and, except as provided in Subsection 77-40-103(5), the certificate of eligibility in the court specified in Section 77-40-103 and deliver a copy of the petition and certificate to the prosecuting agency. If the certificate is filed electronically, the petitioner or the petitioner's attorney shall keep the original certificate until the proceedings are concluded. If the original certificate is filed with the petition, the clerk of the court shall scan it and return it to the petitioner or the petitioner's attorney, who shall keep it until the proceedings are concluded.]~~

(1) (a) The petitioner shall file a petition for expungement, in accordance with the Utah Rules of Criminal Procedure, that includes the identification number for the certificate of eligibility described in Subsection 77-40a-304(1)(d)(ii).

(b) Information on a certificate of eligibility is incorporated into a petition by reference to the identification number for the certificate of eligibility.

(2) (a) If a petition for expungement is filed under Subsection (1)(a), the court shall obtain a certificate of eligibility from the bureau.

(b) A court may not accept a petition for expungement if the certificate of eligibility is no longer valid as described in Subsection 77-40a-304(1)(d)(i).

(3) Notwithstanding Subsection (2), the petitioner may file a petition for expungement of a traffic conviction without obtaining a certificate of eligibility if:

(a) (i) for a class C misdemeanor or infraction, at least three years have elapsed from

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the day on which the petitioner was convicted; or

(ii) for a class B misdemeanor, at least four years have elapsed from the day on which the petitioner was convicted; and

(b) all convictions in the case for the traffic conviction are for traffic offenses.

(4) Notwithstanding Subsection (2), a petitioner may file a petition for expungement of a record for a conviction related to cannabis possession without a certificate of eligibility if the petition demonstrates that:

(a) the petitioner had, at the time of the relevant arrest or citation leading to the conviction, a qualifying condition, as that term is defined in Section 26-61a-102; and

(b) the possession of cannabis in question was in a form and an amount to medicinally treat the qualifying condition described in Subsection (4)(a).

(5) (a) The court shall provide notice of a filing of a petition and certificate of eligibility to the prosecutorial office that handled the court proceedings within three days after the day on which the petitioner's filing fee is paid or waived.

(b) If there were no court proceedings, the court shall provide notice of a filing of a petition and certificate of eligibility to the county attorney's office in the jurisdiction where the arrest occurred.

(c) If the prosecuting agency with jurisdiction over the arrest, investigation, detention, or conviction, was a city attorney's office, the county attorney's office in the jurisdiction where the arrest occurred shall immediately notify the city attorney's office that the county attorney's office has received a notice of a filing of a petition for expungement.

~~[(2)]~~ (6) (a) Upon receipt of a notice of a filing of a petition for expungement of a conviction or a charge dismissed in accordance with a plea in abeyance, the prosecuting attorney shall [provide notice of the expungement request by first-class mail to the victim at the most recent address of record on file.] make a reasonable effort to provide notice to any victim of the conviction or charge.

(b) The notice under Subsection (6)(a) shall:

(i) include a copy of the petition, certificate of eligibility, statutes, and rules applicable to the petition;

(ii) state that the victim has a right to object to the expungement; and

(iii) provide instructions for registering an objection with the court.

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~~[(3)]~~ (7) The prosecuting attorney and the victim, if applicable, may respond to the petition by filing a recommendation or objection with the court within 35 days after ~~[receipt of the petition.]~~ the day on which the notice of the filing of the petition is sent by the court to the prosecuting attorney.

~~[(4)]~~ (8) (a) The court may request a written response to the petition from the Division of Adult Probation and Parole within the Department of Corrections.

(b) If requested, the response prepared by the Division of Adult Probation and Parole shall include:

(i) the reasons probation was terminated; and

(ii) certification that the petitioner has completed all requirements of sentencing and probation or parole.

(c) The Division of Adult Probation and Parole shall provide a copy of the response to the petitioner and the prosecuting attorney.

~~[(5)]~~ (9) The petitioner may respond in writing to any objections filed by the ~~[prosecutor]~~ prosecuting attorney or the victim and the response prepared by the Division of Adult Probation and Parole within 14 days after ~~[receipt.]~~ the day on which the objection or response is received.

~~[(6)]~~ (10) (a) If the court receives an objection concerning the petition from any party, the court shall set a date for a hearing and notify the petitioner and the prosecuting attorney of the date set for the hearing.

(b) The prosecuting attorney shall notify the victim of the date set for the hearing.

~~[(b)]~~ (c) The petitioner, the prosecuting attorney, the victim, and any other person who has relevant information about the petitioner may testify at the hearing.

~~[(c)]~~ (d) The court shall review the petition, the certificate of eligibility, and any written responses submitted regarding the petition.

~~[(7)]~~ (11) If no objection is received within 60 days from the ~~[date]~~ day on which the petition for expungement is filed with the court, the expungement may be granted without a hearing.

~~[(8)]~~ ~~The court shall issue an order of expungement if the court finds by clear and convincing evidence that:~~

~~[(a)]~~ ~~the petition and, except as provided under Subsection 77-40-103(5), certificate of~~

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~~eligibility are sufficient;]~~

~~[(b) the statutory requirements have been met;]~~

~~[(c) if the petitioner seeks expungement after a case is dismissed without prejudice or without condition, the prosecutor provided written consent and has not filed and does not intend to refile related charges;]~~

~~[(d) if the petitioner seeks expungement of drug possession offenses allowed under Subsection 77-40-105(7), the petitioner is not illegally using controlled substances and is successfully managing any substance addiction;]~~

~~[(e) if the petitioner seeks expungement without a certificate of eligibility for expungement under Subsection 77-40-103(5) for a record of conviction related to cannabis possession;]~~

~~[(i) the petitioner had, at the time of the relevant arrest or citation leading to the conviction, a qualifying condition, as that term is defined in Section 26-61a-102; and]~~

~~[(ii) the possession of cannabis in question was in a form and an amount to medicinally treat the condition described in Subsection (8)(c)(i);]~~

~~[(f) if an objection is received, the petition for expungement is for a charge dismissed in accordance with a plea in abeyance agreement, and the charge is an offense eligible to be used for enhancement, there is good cause for the court to grant the expungement; and]~~

~~[(g) it is not contrary to the interests of the public to grant the expungement.]~~

~~[(9)(a) If the court denies a petition described in Subsection (8)(c) because the prosecutor intends to refile charges, the person seeking expungement may again apply for a certificate of eligibility if charges are not refiled within 180 days of the day on which the court denies the petition.]~~

~~[(b) A prosecutor who opposes an expungement of a case dismissed without prejudice or without condition shall have a good faith basis for the intention to refile the case.]~~

~~[(c) A court shall consider the number of times that good faith basis of intention to refile by the prosecutor is presented to the court in making the court's determination to grant the petition for expungement described in Subsection (8)(c).]~~

~~[(10) If the court grants a petition described in Subsection (8)(c), the court shall make the court's findings in a written order.]~~

~~[(11) A court may not expunge a conviction of an offense for which a certificate of~~

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eligibility may not be or should not have been issued under Section ~~77-40-104~~ or ~~77-40-105~~.]

Section ~~{19}~~18. Section **77-40a-306** is enacted to read:

77-40a-306. Order of expungement.

(1) If a petition is filed in accordance with Section 77-40a-305, the court shall issue an order of expungement if the court finds, by clear and convincing evidence, that:

(a) except as provided in Subsection 77-40a-305(3) or (4), the petition and certificate of eligibility are sufficient;

(b) the statutory requirements have been met;

(c) if the petitioner seeks expungement after a case is dismissed without prejudice or without condition, the prosecuting attorney provided written consent and has not filed and does not intend to refile related charges;

(d) if the petitioner seeks expungement without a certificate of eligibility for expungement under Subsection 77-40a-305(4) for a record of conviction related to cannabis possession:

(i) the petitioner had, at the time of the relevant arrest or citation leading to the conviction, a qualifying condition, as that term is defined in Section 26-61a-102; and

(ii) the possession of cannabis in question was in a form and an amount to medicinally treat the qualifying condition described in Subsection (1)(d)(i);

(e) if an objection is received, the petition for expungement is for a charge dismissed in accordance with a plea in abeyance agreement, and the charge is an offense eligible to be used for enhancement, there is good cause for the court to grant the expungement; and

(f) the interests of the public would not be harmed by granting the expungement.

(2) (a) If the court denies a petition described in Subsection (1)(c) because the prosecuting attorney intends to refile charges, the petitioner may apply again for a certificate of eligibility if charges are not refiled within 180 days after the day on which the court denies the petition.

(b) A prosecuting attorney who opposes an expungement of a case dismissed without prejudice, or without condition, shall have a good faith basis for the intention to refile the case.

(c) A court shall consider the number of times that good faith basis of intention to refile by the prosecuting attorney is presented to the court in making the court's determination to grant the petition for expungement described in Subsection (1)(c).

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(3) If the court grants a petition described in Subsection (1)(e), the court shall make the court's findings in a written order.

(4) A court may not expunge a conviction of an offense for which a certificate of eligibility may not be, or should not have been, issued under Section 77-40a-302 or 77-40a-303.

Section ~~{20}~~19. Section **77-40a-401**, which is renumbered from Section 77-40-108 is renumbered and amended to read:

Part 4. Distribution and Use of Expunged Records

~~[77-40-108].~~ **77-40a-401. Distribution of order -- Redaction -- Receipt of order -- Bureau requirements -- Administrative proceedings.**

~~[(1)(a)(i) An individual who receives an order of expungement under Section 77-40-107 or Section 77-27-5.1 shall be responsible for delivering a copy of the order of expungement to all affected criminal justice agencies and officials including the court, arresting agency, booking agency, prosecuting agency, Department of Corrections, and the bureau.]~~

~~[(ii) The provisions of Subsection (1)(a)(i) do not apply to an individual who receives an automatic expungement under Section 77-40-114.]~~

(1) (a) The bureau, upon receiving notice from the court, shall notify all criminal justice agencies affected by the expungement order.

(b) For purposes of Subsection (1)(a), the bureau may not notify the Board of Pardons and Parole of an expungement order if the individual has never been:

(i) sentenced to prison in this state; or

(ii) under the jurisdiction of the Board of Pardons and Parole.

(c) A petitioner may deliver copies of the expungement to all criminal justice agencies affected by the order of expungement.

~~[(b)]~~ (d) An individual, who receives an [order of] expungement order under Section 77-27-5.1, shall pay a processing fee to the bureau, established in accordance with the process in Section 63J-1-504, before the bureau's record may be expunged.

(2) Unless otherwise provided by law or ordered by a court [of competent jurisdiction] to respond differently, an individual or agency who has received an expungement of an arrest or conviction under this chapter or Section 77-27-5.1 may respond to any inquiry as though the arrest or conviction did not occur.

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(3) The bureau shall forward a copy of the expungement order to the Federal Bureau of Investigation.

(4) An agency receiving an expungement order shall expunge the individual's identifying information contained in records in the agency's possession relating to the incident for which expungement is ordered.

(5) Unless ordered by a court to do so, or in accordance with Subsection [~~77-40-109(2)~~] 77-40a-403(2), a government agency or official may not divulge information or records that have been expunged.

(6) (a) An [~~order of~~] expungement order may not restrict an agency's use or dissemination of records in the agency's ordinary course of business until the agency has received a copy of the order.

(b) Any action taken by an agency after issuance of the order but prior to the agency's receipt of a copy of the order may not be invalidated by the order.

(7) An [~~order of~~] expungement order may not:

(a) terminate or invalidate any pending administrative proceedings or actions of which the individual had notice according to the records of the administrative body prior to issuance of the expungement order;

(b) affect the enforcement of any order or findings issued by an administrative body pursuant to the administrative body's lawful authority prior to issuance of the expungement order;

(c) remove any evidence relating to the individual including records of arrest, which the administrative body has used or may use in these proceedings; or

(d) prevent an agency from maintaining, sharing, or distributing any record required by law.

Section ~~{21}~~20. Section ~~77-40a-402~~, which is renumbered from Section 77-40-108.5 is renumbered and amended to read:

~~[77-40-108.5]~~. 77-40a-402. **Distribution for order for vacatur.**

(1) An individual who receives an order for vacatur under Subsection 78B-9-108(2) shall be responsible for delivering a copy of the order for vacatur to all affected criminal justice agencies and officials [~~including the court, arresting agency, booking agency, prosecuting agency, Department of Corrections, and the bureau~~].

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(2) To complete delivery of the order for vacatur to the bureau, the individual shall complete and attach to the order for vacatur an application for a certificate of eligibility for expungement, including identifying information and fingerprints, [~~as provided in Subsection 77-40-103(1).~~] in accordance with Section 77-40a-301.

(3) [~~The~~] Except as otherwise provided in this section, the bureau shall treat the order for vacatur and attached certificate of eligibility for expungement the same as a valid order for expungement under Section [~~77-40-108, except as provided in this section.~~] 77-40a-401.

(4) Unless otherwise provided by law or ordered by a court [~~of competent jurisdiction~~] to respond differently, an individual who has received a vacatur of conviction under Section 78B-9-108(2) may respond to any inquiry as though the conviction did not occur.

(5) The bureau shall forward a copy of the order for vacatur to the Federal Bureau of Investigation.

(6) An agency receiving an order for vacatur shall expunge the individual's identifying information contained in records in the agency's possession relating to the incident for which vacatur is ordered.

(7) A government agency or official may not divulge information contained in a record of arrest, investigation, detention, or conviction after receiving an order for vacatur to any person or agency, except for:

(a) the individual for whom vacatur was ordered; or

(b) Peace Officer Standards and Training, [~~pursuant to~~] in accordance with Section 53-6-203 and Subsection [~~77-40-109(2)(b)(ii)~~] 77-40a-403(2)(b)(ii).

(8) The bureau may not count vacated convictions against any future expungement eligibility.

Section ~~{22}~~21. Section **77-40a-403**, which is renumbered from Section 77-40-109 is renumbered and amended to read:

~~[77-40-109].~~ **77-40a-403. Retention and release of expunged records --**

Agencies.

(1) (a) The bureau, after receiving an expungement order, shall keep, index, and maintain all expunged records of arrests and convictions.

(b) Any agency, other than the bureau, receiving an expungement order shall develop and implement a process to identify **and maintain** an expunged record.

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(2) (a) (i) ~~[Employees of the bureau]~~ An employee of the bureau, or any agency with an expunged record, may not divulge any information contained in the ~~[bureau's index]~~ expunged record to any person or agency without a court order unless:

(A) specifically authorized by statute~~[-]; or~~

(B) subject to Subsection (2)(a)(ii), the information in an expunged record is being shared with another agency through a records management system that both agencies use for the purpose of record management.

(ii) An agency with a records management system may not disclose any information in an expunged record with another agency or person that does not use the records management system for the purpose of record management.

(b) The following ~~[organizations]~~ entities or agencies may receive information contained in expunged records upon specific request:

(i) the Board of Pardons and Parole;

(ii) Peace Officer Standards and Training;

(iii) federal authorities~~[-, only as]~~ if required by federal law;

(iv) the Department of Commerce;

(v) the Department of Insurance;

(vi) the State Board of Education; ~~[and]~~

(vii) the Commission on Criminal and Juvenile Justice, for purposes of investigating applicants for judicial office~~[-] {and authorizing the disclosure of}; and~~

(viii) a research institution or an agency engaged in research regarding the criminal justice system if:

(A) the research institution or agency provides a legitimate research purpose for gathering information from the expunged records;

(B) the research institution or agency enters into a data sharing agreement with the court or agency with custody of the expunged records that protects the confidentiality of any identifying information in the expunged records;

(C) any research using expunged records does not include any individual's name or identifying information in any product of that research; and

(D) any product resulting from research using expunged records includes a disclosure that expunged records were used for research purposes~~{as described in Subsection~~

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~~63G-2-202(8) or in Subsection 53-10-108(2)(k) for records held by the bureau.~~

(c) ~~[A person or agency]~~ Except as otherwise provided by this Subsection (2) or by court order, a person, an agency, or an entity authorized by this Subsection (2) to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the specific request, ~~[except as directed by a court order,]~~ including distribution on a public website.

(d) A prosecuting attorney may communicate with another prosecuting attorney, or another prosecutorial agency, regarding information in an expunged record that includes a conviction, or a charge dismissed as a result of a successful completion of a plea in abeyance agreement, for:

(i) stalking as described in Section 76-5-106.5;

(ii) a domestic violence offense as defined in Section 77-36-1;

(iii) an offense that would require the individual to register as a sex offender, as defined in Section 77-41-102; or

(iv) a weapons offense under Title 76, Chapter 10, Part 5, Weapons.

(e) Except as provided in Subsection (4), a prosecuting attorney may not use an expunged record for the purpose of a sentencing enhancement or as a basis for charging an individual with an offense that requires a prior conviction.

(3) The bureau may also use the information in the bureau's index as provided in Section 53-5-704.

(4) If, after obtaining an expungement, an individual is charged with a felony or an offense eligible for enhancement based on a prior conviction, the state may petition the court to open the expunged records upon a showing of good cause.

(5) (a) For judicial sentencing, a court may order any records expunged under this chapter or Section 77-27-5.1 to be opened and admitted into evidence.

(b) The records are confidential and are available for inspection only by the court, parties, counsel for the parties, and any other person who is authorized by the court to inspect them.

(c) At the end of the action or proceeding, the court shall order the records expunged again.

(d) Any person authorized by this Subsection (5) to view expunged records may not

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reveal or release any information obtained from the expunged records to anyone outside the court.

(6) Records released under this chapter are classified as protected under Section 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

Section ~~{23}~~22. Section **77-40a-404**, which is renumbered from Section 77-40-110 is renumbered and amended to read:

~~[77-40-110].~~ **77-40a-404. Use of expunged records -- Individuals -- Use in civil actions.**

~~[Records]~~ A record expunged under this chapter or Section 77-27-5.1 may be released to or viewed by ~~[the following individuals]:~~

(1) the petitioner or an individual who receives an automatic expungement under Section ~~[77-40-114]~~ 77-40-201;

(2) a law enforcement officer, who was involved in the case, for use solely in the officer's defense of a civil action arising out of the officer's involvement with the petitioner in that particular case; and

(3) parties to a civil action arising out of the expunged incident, ~~providing~~ if the information is kept confidential and utilized only in the action.

Section ~~{24}~~23. Section **77-40a-405**, which is renumbered from Section 77-40-112 is renumbered and amended to read:

~~[77-40-112].~~ **77-40a-405. Penalty for disclosure of expunged, vacated, or pardoned records.**

An employee or agent of an agency that is prohibited from disseminating information from expunged, vacated, or pardoned records under Section 77-27-5.1 or ~~[77-40-109]~~ 77-40a-403 who knowingly or intentionally discloses identifying information from the expunged, vacated, or pardoned record that has been pardoned, vacated, or expunged, unless allowed by law, is guilty of a class A misdemeanor.

Section ~~{25}~~24. Section **78B-9-108** is amended to read:

78B-9-108. Effect of granting relief -- Notice.

(1) If the court grants the petitioner's request for relief, except requests for relief under Subsection 78B-9-104(1)(g), the court shall either:

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(a) modify the original conviction or sentence; or

(b) vacate the original conviction or sentence and order a new trial or sentencing proceeding as appropriate.

(2) If the court grants the petitioner's request for relief under Subsection 78B-9-104(1)(g), the court shall:

(a) vacate the original conviction and sentence; and

(b) order the petitioner's records expunged [~~pursuant to Section 77-40-108.5~~] in accordance with Section 77-40a-402.

(3) (a) If the petitioner is serving a felony sentence, the order shall be stayed for five days. Within the stay period, the respondent shall give written notice to the court and the petitioner that the respondent will pursue a new trial or sentencing proceedings, appeal the order, or take no action.

(b) If the respondent fails to provide notice or gives notice at any time during the stay period that it intends to take no action, the court shall lift the stay and deliver the order to the custodian of the petitioner.

(c) If the respondent gives notice of intent to appeal the court's decision, the stay provided for by Subsection (3)(a) shall remain in effect until the appeal concludes, including any petitions for rehearing or for discretionary review by a higher court. The court may lift the stay if the petitioner can make the showing required for a certificate of probable cause under Section 77-20-302 and Utah Rules of Criminal Procedure, Rule 27.

(d) If the respondent gives notice that it intends to retry or resentence the petitioner, the trial court may order any supplementary orders as to arraignment, trial, sentencing, custody, bail, discharge, or other matters that may be necessary.

Section ~~{26}~~25. **Repealer.**

This bill repeals:

Section 77-40-101, Title.

Section 77-40-103, Petition for expungement procedure overview.