

EXPUNGEMENT OF EVICTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to expunging an eviction by petition.

Highlighted Provisions:

This bill:

- ▶ provides that a party to an eviction may, under certain circumstances, petition the court for expungement of eviction records if the eviction was based solely on the use or possession of a controlled substance; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-853, as enacted by Laws of Utah 2022, Chapter 372

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

Section 1. Section **78B-6-853** is amended to read:

78B-6-853. Expungement of eviction by petition .

(1) Any party to an eviction may petition the court to expunge all records of the



28 eviction if:

29 (a) the eviction was [~~for~~]:

30 (i) for remaining after the end of the lease as described in Subsection 78B-6-802(1)(a);

31 [~~or~~]

32 (ii) for the nonpayment of rent as described in Subsection 78B-6-802(1)(c); [~~and~~] or

33 (iii) based solely on:

34 (A) the use or possession of marijuana as that term is defined in Section 58-37-2; or

35 (B) the use or possession of a controlled substance other than marijuana, using the term

36 controlled substance as defined in Section 58-37-2, provided that:

37 (I) at least three years have passed from the day on which the eviction was filed;

38 (II) during that time period, the evicted party is not convicted of a serious offense as

39 defined in Section 76-3-4;

40 (III) there are no criminal proceedings pending against the evicted party; and

41 (IV) the evicted party is not on probation, on parole, or currently incarcerated for any

42 other offense; and

43 (b) any judgment for the eviction has been satisfied and a satisfaction of judgment has
44 been filed for the judgment.

45 (2) A petitioner shall file a petition and provide notice to any other party to the eviction
46 in accordance with the Utah Rules of Civil Procedure.

47 (3) (a) Any party to the eviction may file a written objection to the petition with the
48 court.

49 (b) If the court receives a written objection to the petition, the court may not expunge
50 the eviction.

51 (4) Except as provided in Subsection (5), the court shall order expungement of all
52 records of the eviction if the court does not receive a written objection within 60 days from the
53 day on which the petition is filed.

54 (5) A court may not expunge an eviction if the judgment for the eviction has not been
55 satisfied.

56 Section 2. **Effective date.**

57 This bill takes effect on May 1, 2024.