

**Representative Karianne Lisonbee** proposes the following substitute bill:

**EXPUNGEMENT REVISIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W Stevenson**

House Sponsor: Tyler Clancy

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**LONG TITLE**

**General Description:**

This bill amends provisions related to expungement.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides a timeline for a prosecuting attorney to respond to a motion to reduce a conviction for purposes of expungement;
- ▶ modifies a chapter title related to expungement;
- ▶ clarifies the requirements for applying for the expungement of a criminal record;
- ▶ clarifies provisions related to a special certificate that is issued by the Bureau of Criminal Identification;
- ▶ clarifies the certificate of eligibility process;
- ▶ addresses venue for the filing of a petition for expungement of a criminal record, an eviction record, a record of a protective order or stalking injunction, or a juvenile record;
- ▶ requires a court to notify the Bureau of Criminal Identification that an order of expungement for a criminal case has been issued and to provide the Bureau of Criminal Identification with all information needed for expungement;



- 26           ▶ requires a court to provide a petitioner with certified copies of an order of
- 27 expungement;
- 28           ▶ addresses the expungement of criminal records when an agency has a retention
- 29 schedule;
- 30           ▶ addresses the redaction of an expunged record when the record pertains to more
- 31 than one individual;
- 32           ▶ clarifies the opening of expunged records when the individual is charged with a
- 33 felony or an offense eligible for enhancement;
- 34           ▶ modifies the requirements for indigency to address the waiver of a fee for a petition
- 35 for expungement;
- 36           ▶ requires the Administrative Office of the Courts to include a warning on an affidavit
- 37 of indigency;
- 38           ▶ clarifies the jurisdiction of the justice court over a petition for expungement;
- 39           ▶ moves a provision regarding removing the link between an individual's personal
- 40 identifying information and a dismissed case regarding a protective order or stalking
- 41 injunction from Title 77, Chapter 40a, Expungement of Criminal Records, to Title
- 42 78B, Chapter 7, Part 10, Expungement of Protective Orders and Stalking
- 43 Injunctions; and
- 44           ▶ makes technical and conforming changes.

**45 Money Appropriated in this Bill:**

46           None

**47 Other Special Clauses:**

48           This bill provides a special effective date.

49           This bill provides coordination clauses.

**50 Utah Code Sections Affected:**

51 AMENDS:

52           **20A-2-101.3**, as enacted by Laws of Utah 2011, Chapter 395

53           **41-6a-501**, as last amended by Laws of Utah 2023, Chapters 328, 415

54           **53-3-414**, as last amended by Laws of Utah 2022, Chapters 46, 116

55           **53-6-302**, as last amended by Laws of Utah 2021, First Special Session, Chapter 13

56           **53-9-108**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 18

- 57 [63G-4-107](#), as last amended by Laws of Utah 2021, Chapters 84, 344
- 58 [76-3-402](#), as last amended by Laws of Utah 2023, Chapter 132
- 59 [77-2-2.3](#), as renumbered and amended by Laws of Utah 2021, Chapter 260
- 60 [77-27-5.1](#), as last amended by Laws of Utah 2017, Chapter 356
- 61 [77-40a-101](#), as last amended by Laws of Utah 2023, Chapter 265
- 62 [77-40a-105](#), as renumbered and amended by Laws of Utah 2022, Chapter 250
- 63 [77-40a-301](#), as enacted by Laws of Utah 2022, Chapter 250
- 64 [77-40a-304](#), as last amended by Laws of Utah 2023, Chapter 265
- 65 [77-40a-305](#), as last amended by Laws of Utah 2023, Chapters 265, 330
- 66 [77-40a-306](#), as last amended by Laws of Utah 2023, Chapter 330
- 67 [77-40a-403](#), as last amended by Laws of Utah 2023, Chapter 265
- 68 [77-40a-404](#), as last amended by Laws of Utah 2023, Chapter 265
- 69 [77-41-109](#), as last amended by Laws of Utah 2023, Chapter 123
- 70 [78A-2-302](#), as last amended by Laws of Utah 2023, Chapter 184
- 71 [78A-6-350 \(Superseded 07/01/24\)](#), as renumbered and amended by Laws of Utah
- 72 2021, Chapter 261
- 73 [78A-6-350 \(Effective 07/01/24\)](#), as last amended by Laws of Utah 2023, Chapter 401
- 74 [78A-7-106](#), as last amended by Laws of Utah 2023, Chapter 34
- 75 [78A-7-209.5](#), as enacted by Laws of Utah 2022, Chapter 276
- 76 [78B-6-853](#), as enacted by Laws of Utah 2022, Chapter 372
- 77 [78B-7-1003](#), as last amended by Laws of Utah 2023, Chapters 139, 265

78 ENACTS:

- 79 [78B-7-1002.1](#), Utah Code Annotated 1953
- 80 [80-6-1001.2](#), Utah Code Annotated 1953

81 **Utah Code Sections Affected By Coordination Clause:**

- 82 [78A-2-302](#), as last amended by Laws of Utah 2023, Chapter 184
- 83 [78A-7-106](#), as last amended by Laws of Utah 2023, Chapter 34



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

86 Section 1. Section **20A-2-101.3** is amended to read:

87 **20A-2-101.3. Convicted misdemeanants -- Restoration of right to vote or hold**

88 office.

89 (1) As used in this section, "misdemeanant" means a person convicted of a  
90 misdemeanor for an offense under this title.

91 (2) A misdemeanant's right to register to vote and to vote in an election is restored  
92 when the misdemeanant:

93 (a) is sentenced to probation; or

94 (b) has successfully completed the term of incarceration to which the misdemeanant  
95 was sentenced.

96 (3) A misdemeanant's right to hold elective office is restored when:

97 (a) the misdemeanor for an offense under this title is expunged as provided in [~~Title 77,~~  
98 ~~Chapter 40a, Expungement~~] Title 77, Chapter 40a, Expungement of Criminal Records; or

99 (b) (i) five years have passed since the date of the misdemeanant's most recent  
100 misdemeanor conviction of an offense under this title;

101 (ii) the misdemeanant has paid all court-ordered restitution and fines; and

102 (iii) for each misdemeanor conviction that has not been expunged, the misdemeanant  
103 has:

104 (A) completed probation in relation to the misdemeanor; or

105 (B) successfully completed the term of incarceration associated with the misdemeanor.

106 Section 2. Section **41-6a-501** is amended to read:

107 **41-6a-501. Definitions.**

108 (1) As used in this part:

109 (a) "Actual physical control" is determined by a consideration of the totality of the  
110 circumstances, but does not include a circumstance in which:

111 (i) the person is asleep inside the vehicle;

112 (ii) the person is not in the driver's seat of the vehicle;

113 (iii) the engine of the vehicle is not running;

114 (iv) the vehicle is lawfully parked; and

115 (v) under the facts presented, it is evident that the person did not drive the vehicle to  
116 the location while under the influence of alcohol, a drug, or the combined influence of alcohol  
117 and any drug.

118 (b) "Assessment" means an in-depth clinical interview with a licensed mental health

119 therapist:

120 (i) used to determine if a person is in need of:

121 (A) substance abuse treatment that is obtained at a substance abuse program;

122 (B) an educational series; or

123 (C) a combination of Subsections (1)(b)(i)(A) and (B); and

124 (ii) that is approved by the Division of Integrated Healthcare in accordance with

125 Section [26B-5-104](#).

126 (c) "Driving under the influence court" means a court that is approved as a driving

127 under the influence court by the Judicial Council according to standards established by the

128 Judicial Council.

129 (d) "Drug" or "drugs" means:

130 (i) a controlled substance as defined in Section [58-37-2](#);

131 (ii) a drug as defined in Section [58-17b-102](#); or

132 (iii) a substance that, when knowingly, intentionally, or recklessly taken into the human

133 body, can impair the ability of a person to safely operate a motor vehicle.

134 (e) "Educational series" means an educational series obtained at a substance abuse

135 program that is approved by the Division of Integrated Healthcare in accordance with Section

136 [26B-5-104](#).

137 (f) "Negligence" means simple negligence, the failure to exercise that degree of care

138 that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

139 (g) "Novice learner driver" means an individual who:

140 (i) has applied for a Utah driver license;

141 (ii) has not previously held a driver license in this state or another state; and

142 (iii) has not completed the requirements for issuance of a Utah driver license.

143 (h) "Screening" means a preliminary appraisal of a person:

144 (i) used to determine if the person is in need of:

145 (A) an assessment; or

146 (B) an educational series; and

147 (ii) that is approved by the Division of Integrated Healthcare in accordance with

148 Section [26B-5-104](#).

149 (i) "Serious bodily injury" means bodily injury that creates or causes:

- 150 (i) serious permanent disfigurement;
- 151 (ii) protracted loss or impairment of the function of any bodily member or organ; or
- 152 (iii) a substantial risk of death.
- 153 (j) "Substance abuse treatment" means treatment obtained at a substance abuse
- 154 program that is approved by the Division of Integrated Healthcare in accordance with Section
- 155 [26B-5-104](#).
- 156 (k) "Substance abuse treatment program" means a state licensed substance abuse
- 157 program.
- 158 (l) (i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in
- 159 Section [41-6a-102](#); and
- 160 (ii) "Vehicle" or "motor vehicle" includes:
- 161 (A) an off-highway vehicle as defined under Section [41-22-2](#); and
- 162 (B) a motorboat as defined in Section [73-18-2](#).
- 163 (2) As used in Sections [41-6a-502](#) and [41-6a-520.1](#):
- 164 (a) "Conviction" means any conviction arising from a separate episode of driving for a
- 165 violation of:
- 166 (i) driving under the influence under Section [41-6a-502](#);
- 167 (ii) (A) for an offense committed before July 1, 2008, alcohol, any drug, or a
- 168 combination of both-related reckless driving under Sections [41-6a-512](#) and [41-6a-528](#); or
- 169 (B) for an offense committed on or after July 1, 2008, impaired driving under Section
- 170 [41-6a-502.5](#);
- 171 (iii) driving with any measurable controlled substance that is taken illegally in the body
- 172 under Section [41-6a-517](#);
- 173 (iv) local ordinances similar to Section [41-6a-502](#), alcohol, any drug, or a combination
- 174 of both-related reckless driving, or impaired driving under Section [41-6a-502.5](#) adopted in
- 175 compliance with Section [41-6a-510](#);
- 176 (v) Section [76-5-207](#);
- 177 (vi) operating a motor vehicle with any amount of a controlled substance in an
- 178 individual's body and causing serious bodily injury or death, as codified before May 4, 2022,
- 179 Laws of Utah 2021, Chapter 236, Section 1, Subsection [58-37-8\(2\)\(g\)](#);
- 180 (vii) negligently operating a vehicle resulting in injury under Section [76-5-102.1](#);

181 (viii) a violation described in Subsections (2)(a)(i) through (vii), which judgment of  
182 conviction is reduced under Section 76-3-402;

183 (ix) refusal of a chemical test under Subsection 41-6a-520.1(1); or

184 (x) statutes or ordinances previously in effect in this state or in effect in any other state,  
185 the United States, or any district, possession, or territory of the United States which would  
186 constitute a violation of Section 41-6a-502 or alcohol, any drug, or a combination of  
187 both-related reckless driving if committed in this state, including punishments administered  
188 under 10 U.S.C. Sec. 815.

189 (b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i)  
190 through (x) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
191 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently  
192 reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:

193 (i) enhancement of penalties under this part; and

194 (ii) expungement under [~~Title 77, Chapter 40a, Expungement~~] Title 77, Chapter 40a,  
195 Expungement of Criminal Records.

196 (c) An admission to a violation of Section 41-6a-502 in juvenile court is the equivalent  
197 of a conviction even if the charge has been subsequently dismissed in accordance with the Utah  
198 Rules of Juvenile Procedure for the purposes of enhancement of penalties under:

199 (i) this part;

200 (ii) negligently operating a vehicle resulting in injury under Section 76-5-102.1; and

201 (iii) negligently operating a vehicle resulting in death under Section 76-5-207.

202 (3) As used in Section 41-6a-505, "controlled substance" does not include an inactive  
203 metabolite of a controlled substance.

204 Section 3. Section 53-3-414 is amended to read:

205 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**  
206 **Procedure.**

207 (1) (a) An individual who holds or is required to hold a CDL is disqualified from  
208 driving a commercial motor vehicle for a period of not less than one year effective seven days  
209 from the date of notice to the driver if convicted of a first offense of:

210 (i) driving a motor vehicle while under the influence of alcohol, drugs, a controlled  
211 substance, or more than one of these;

- 212 (ii) driving a commercial motor vehicle while the concentration of alcohol in the  
213 person's blood, breath, or urine is .04 grams or more;
- 214 (iii) leaving the scene of an accident involving a motor vehicle the person was driving;
- 215 (iv) failing to provide reasonable assistance or identification when involved in an  
216 accident resulting in:
- 217 (A) personal injury in accordance with Section 41-6a-401.3;
- 218 (B) death in accordance with Section 41-6a-401.5; or
- 219 (v) using a motor vehicle in the commission of a felony;
- 220 (vi) refusal to submit to a test to determine the concentration of alcohol in the person's  
221 blood, breath, or urine;
- 222 (vii) driving a commercial motor vehicle while the person's commercial driver license  
223 is disqualified in accordance with the provisions of this section for violating an offense  
224 described in this section; or
- 225 (viii) operating a commercial motor vehicle in a negligent manner causing the death of  
226 another including the offenses of manslaughter under Section 76-5-205, negligent homicide  
227 under Section 76-5-206, or negligently operating a vehicle resulting in death under Section  
228 76-5-207.
- 229 (b) The division shall subtract from any disqualification period under Subsection  
230 (1)(a)(i) the number of days for which a license was previously disqualified under Subsection  
231 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which  
232 the record of conviction is based.
- 233 (2) If any of the violations under Subsection (1) occur while the driver is transporting a  
234 hazardous material required to be placarded, the driver is disqualified for not less than three  
235 years.
- 236 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds  
237 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if  
238 convicted of or administrative action is taken for two or more of any of the offenses under  
239 Subsection (1), (5), or (14) arising from two or more separate incidents.
- 240 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 241 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under  
242 this section may apply to the division for reinstatement of the driver's CDL if the driver:



243 (i) has both voluntarily enrolled in and successfully completed an appropriate  
244 rehabilitation program that:

245 (A) meets the standards of the division; and  
246 (B) complies with 49 C.F.R. Sec. 383.51;

247 (ii) has served a minimum disqualification period of 10 years; and  
248 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving  
249 privileges established by rule of the division.

250 (b) If a reinstated driver is subsequently convicted of another disqualifying offense  
251 under this section, the driver is permanently disqualified for life and is ineligible to again apply  
252 for a reduction of the lifetime disqualification.

253 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified  
254 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the  
255 commission of any felony involving:

256 (a) the manufacturing, distributing, or dispensing of a controlled substance, or  
257 possession with intent to manufacture, distribute, or dispense a controlled substance and is  
258 ineligible to apply for a reduction of the lifetime disqualification under Subsection (4); or  
259 (b) an act or practice of severe forms of trafficking in persons as defined and described  
260 in 22 U.S.C. Sec. 7102(11).

261 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds  
262 or is required to hold a CDL is disqualified for not less than:

263 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two  
264 serious traffic violations; and  
265 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

266 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic  
267 violations:

268 (i) occur within three years of each other;  
269 (ii) arise from separate incidents; and  
270 (iii) involve the use or operation of a commercial motor vehicle.

271 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is  
272 disqualified from driving a commercial motor vehicle and the division receives notice of a  
273 subsequent conviction for a serious traffic violation that results in an additional disqualification

274 period under this Subsection (6), the subsequent disqualification period is effective beginning  
275 on the ending date of the current serious traffic violation disqualification period.

276 (7) (a) A driver of a commercial motor vehicle who is convicted of violating an  
277 out-of-service order while driving a commercial motor vehicle is disqualified from driving a  
278 commercial motor vehicle for a period not less than:

279 (i) 180 days if the driver is convicted of a first violation;

280 (ii) two years if, during any 10 year period, the driver is convicted of two violations of  
281 out-of-service orders in separate incidents;

282 (iii) three years but not more than five years if, during any 10 year period, the driver is  
283 convicted of three or more violations of out-of-service orders in separate incidents;

284 (iv) 180 days but not more than two years if the driver is convicted of a first violation  
285 of an out-of-service order while transporting hazardous materials required to be placarded or  
286 while operating a motor vehicle designed to transport 16 or more passengers, including the  
287 driver; or

288 (v) three years but not more than five years if, during any 10 year period, the driver is  
289 convicted of two or more violations, in separate incidents, of an out-of-service order while  
290 transporting hazardous materials required to be placarded or while operating a motor vehicle  
291 designed to transport 16 or more passengers, including the driver.

292 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an  
293 out-of-service order is subject to a civil penalty of not less than \$2,500.

294 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent  
295 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

296 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is  
297 disqualified for not less than 60 days if the division determines, in its check of the driver's  
298 driver license status, application, and record prior to issuing a CDL or at any time after the  
299 CDL is issued, that the driver has falsified information required to apply for a CDL in this  
300 state.

301 (9) A driver of a commercial motor vehicle who is convicted of violating a  
302 railroad-highway grade crossing provision under Section [41-6a-1205](#), while driving a  
303 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period  
304 not less than:

- 305 (a) 60 days if the driver is convicted of a first violation;
- 306 (b) 120 days if, during any three-year period, the driver is convicted of a second
- 307 violation in separate incidents; or
- 308 (c) one year if, during any three-year period, the driver is convicted of three or more
- 309 violations in separate incidents.
- 310 (10) (a) The division shall update its records and notify the CDLIS within 10 days of
- 311 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.
- 312 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,
- 313 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
- 314 CDLIS within 10 days after the action is taken.
- 315 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
- 316 state, the division shall notify the CDLIS within 10 days after the action is taken.
- 317 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
- 318 without a hearing or receiving a record of the driver's conviction when the division has reason
- 319 to believe that the:
- 320 (i) CDL was issued by the division through error or fraud;
- 321 (ii) applicant provided incorrect or incomplete information to the division;
- 322 (iii) applicant cheated on any part of a CDL examination;
- 323 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 324 (v) driver poses an imminent hazard.
- 325 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
- 326 Section [53-3-221](#).
- 327 (c) If a hearing is held under Section [53-3-221](#), the division shall then rescind the
- 328 suspension order or cancel the CDL.
- 329 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
- 330 required to hold a CDL is disqualified for not less than:
- 331 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
- 332 serious traffic violations; and
- 333 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 334 (b) The disqualifications under Subsection (12)(a) are effective only if the serious
- 335 traffic violations:

336 (i) occur within three years of each other;  
337 (ii) arise from separate incidents; and  
338 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving  
339 privilege from at least one of the violations.

340 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified  
341 from driving a commercial motor vehicle and the division receives notice of a subsequent  
342 conviction for a serious traffic violation that results in an additional disqualification period  
343 under this Subsection (12), the subsequent disqualification period is effective beginning on the  
344 ending date of the current serious traffic violation disqualification period.

345 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no  
346 contest to a violation of a disqualifying offense described in this section which plea is held in  
347 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,  
348 cancel, or revoke the person's CDL for the period required under this section for a conviction of  
349 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in  
350 accordance with the plea in abeyance agreement.

351 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of  
352 taking the action under Subsection (13)(a).

353 (c) A plea which is held in abeyance may not be removed from a person's driving  
354 record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

- 355 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
- 356 (ii) expunged under [~~Title 77, Chapter 40a, Expungement~~] Title 77, Chapter 40a,  
357 Expungement of Criminal Records.

358 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of  
359 Section 41-6a-502 when administrative action is taken against the operator's driving privilege  
360 pursuant to Section 53-3-223 for a period of:

- 361 (a) one year; or
- 362 (b) three years if the violation occurred while transporting hazardous materials.

363 (15) The division may concurrently impose any disqualification periods that arise  
364 under this section while a driver is disqualified by the Secretary of the United States  
365 Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

366 Section 4. Section 53-6-302 is amended to read:

367 **53-6-302. Applicants for certification examination -- Requirements.**

368 (1) Before being allowed to take a dispatcher certification examination, each applicant  
369 shall meet the following requirements:

370 (a) be either:

371 (i) a United States citizen; or

372 (ii) a lawful permanent resident of the United States who:

373 (A) has been in the United States legally for the five years immediately before the day  
374 on which the application is made; and

375 (B) has legal authorization to work in the United States;

376 (b) be 18 years old or older at the time of employment as a dispatcher;

377 (c) be a high school graduate or have a G.E.D. equivalent;

378 (d) have not been convicted of a crime for which the applicant could have been

379 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of  
380 this or another state;

381 (e) have demonstrated good moral character, as determined by a background  
382 investigation;

383 (f) be free of any physical, emotional, or mental condition that might adversely affect  
384 the performance of the applicant's duty as a dispatcher; and

385 (g) meet all other standards required by POST.

386 (2) (a) An application for certification shall be accompanied by a criminal history  
387 background check of local, state, and national criminal history files and a background  
388 investigation.

389 (b) The costs of the background check and investigation shall be borne by the applicant  
390 or the applicant's employing agency.

391 (3) (a) Notwithstanding [~~Title 77, Chapter 40a, Expungement~~] Title 77, Chapter 40a,  
392 Expungement of Criminal Records, regarding expungements, or a similar statute or rule of any  
393 other jurisdiction, any conviction obtained in this state or other jurisdiction, including a  
394 conviction that has been expunged, dismissed, or treated in a similar manner to either of these  
395 procedures, may be considered for purposes of this section.

396 (b) Subsection (3)(a) applies to convictions entered both before and after May 1, 1995.

397 (4) Any background check or background investigation performed under the

398 requirements of this section shall be to determine eligibility for admission to training programs  
399 or qualification for certification examinations and may not be used as a replacement for any  
400 background investigations that may be required of an employing agency.

401 (5) An applicant is considered to be of good moral character under Subsection (1)(e) if  
402 the applicant has not engaged in conduct that would be a violation of Subsection 53-6-309(1).

403 Section 5. Section 53-9-108 is amended to read:

404 **53-9-108. Qualifications for licensure.**

405 (1) (a) An applicant under this chapter shall be at least:

406 (i) 21 years ~~[of age]~~ old to apply for an agency license or a registrant license; or

407 (ii) 18 years ~~[of age]~~ old to apply for an apprentice license.

408 (b) An applicant may not have been:

409 (i) convicted of a felony;

410 (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous  
411 weapon;

412 (iii) convicted of an act of personal violence or force on any person or convicted of  
413 threatening to commit an act of personal violence or force against another person;

414 (iv) convicted of an act constituting dishonesty or fraud;

415 (v) convicted of an act involving moral turpitude within the past 10 years unless the  
416 conviction has been expunged under the provisions of [~~Title 77, Chapter 40a, Expungement~~]  
417 Title 77, Chapter 40a, Expungement of Criminal Records;

418 (vi) placed on probation or parole;

419 (vii) named in an outstanding arrest warrant; or

420 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected  
421 records as provided in Section 63G-2-801.

422 (c) If previously or currently licensed in another state or jurisdiction, the applicant shall  
423 be in good standing within that state or jurisdiction.

424 (2) In assessing if an applicant meets the requirements under Subsection (1)(b), the  
425 board shall consider mitigating circumstances presented by an applicant.

426 (3) (a) An applicant for an agency license shall have:

427 (i) a minimum of 5,000 hours of investigative experience that consists of actual work  
428 performed as a licensed private investigator, an investigator in the private sector, an

429 investigator for the federal government, or an investigator for a state, county, or municipal  
430 government; or

431 (ii) if the applicant held a registrant license or an apprentice license under this chapter  
432 on or before May 1, 2010, a minimum of 2,000 hours of investigative experience that consists  
433 of actual work performed as a licensed private investigator, an investigator in the private  
434 sector, an investigator for the federal government, or an investigator for a state, county, or  
435 municipal government.

436 (b) An applicant for a registrant license shall have a minimum of 2,000 hours of  
437 investigative experience that consists of actual investigative work performed as a licensed  
438 private investigator, an investigator in the private sector, an investigator for the federal  
439 government, an investigator for a state, county, or municipal government, or a process server.

440 (c) At least 1,000 hours of the investigative experience required under this Subsection  
441 (3) shall have been performed within 10 years immediately prior to the application.

442 (d) An applicant shall substantiate investigative work experience required under this  
443 Subsection (3) by providing:

444 (i) the exact details as to the character and nature of the investigative work on a form  
445 prescribed by the bureau and certified by the applicant's employers; or

446 (ii) if the applicant is applying for the reinstatement of an agency license, internal  
447 records of the applicant that demonstrate the investigative work experience requirement has  
448 previously been met.

449 (e) (i) The applicant shall prove completion of the investigative experience required  
450 under this Subsection (3) to the satisfaction of the board and the board may independently  
451 verify the certification offered on behalf of the applicant.

452 (ii) The board may independently confirm the claimed investigative experience and the  
453 verification of the applicant's employers.

454 (4) An applicant for an apprentice license, lacking the investigative experience required  
455 for a registrant license, shall meet all of the qualification standards in Subsection (1), and shall  
456 complete an apprentice application.

457 (5) An applicant for an agency or registrant license may receive credit toward the hours  
458 of investigative experience required under Subsection (3) as follows:

459 (a) an applicant may receive credit for 2,000 hours of investigative experience if the

460 applicant:

461 (i) has an associate's degree in criminal justice or police science from an accredited  
462 college or university; or

463 (ii) is certified as a peace officer; and

464 (b) an applicant may receive credit for 4,000 hours of investigative experience if the  
465 applicant has a bachelor's degree in criminal justice or police science from an accredited  
466 college or university.

467 (6) The board shall determine if the applicant may receive credit under Subsection (5)  
468 toward the investigative and educational experience requirements under Subsection (3).

469 Section 6. Section **63G-4-107** is amended to read:

470 **63G-4-107. Petition to remove agency action from public access.**

471 (1) An individual may petition the agency that maintains, on a state-controlled website  
472 available to the public, a record of administrative disciplinary action, to remove the record of  
473 administrative disciplinary action from public access on the state-controlled website, if:

474 (a) (i) five years have passed since:

475 (A) the date the final order was issued; or

476 (B) if no final order was issued, the date the administrative disciplinary action was  
477 commenced; or

478 (ii) the individual has obtained a criminal expungement order under [~~Title 77, Chapter~~  
479 ~~40a, Expungement~~] Title 77, Chapter 40a, Expungement of Criminal Records, for the  
480 individual's criminal records related to the same incident or conviction upon which the  
481 administrative disciplinary action was based;

482 (b) the individual has successfully completed all action required by the agency relating  
483 to the administrative disciplinary action within the time frame set forth in the final order, or if  
484 no time frame is specified in the final order, within the time frame set forth in Title 63G,  
485 Chapter 4, Administrative Procedures Act;

486 (c) from the time that the original administrative disciplinary action was filed, the  
487 individual has not violated the same statutory provisions or administrative rules related to those  
488 statutory provisions that resulted in the original administrative disciplinary action; and

489 (d) the individual pays an application fee determined by the agency in accordance with  
490 Section [63J-1-504](#).



491 (2) The individual petitioning the agency under Subsection (1) shall provide the agency  
492 with a written request containing the following information:

- 493 (a) the petitioner's full name, address, telephone number, and date of birth;
- 494 (b) the information the petitioner seeks to remove from public access; and
- 495 (c) an affidavit certifying that the petitioner is in compliance with the provisions of  
496 Subsection (1).

497 (3) Within 30 days of receiving the documents and information described in  
498 Subsection (2):

499 (a) the agency shall review the petition and all documents submitted with the petition  
500 to determine whether the petitioner has met the requirements of Subsections (1) and (2); and

501 (b) if the agency determines that the petitioner has met the requirements of Subsections  
502 (1) and (2), the agency shall immediately remove the record of administrative disciplinary  
503 action from public access on the state-controlled website.

504 (4) Notwithstanding the provisions of Subsection (3), an agency is not required to  
505 remove a recording, written minutes, or other electronic information from the Utah Public  
506 Notice Website, created under Section 63A-16-601, if the recording, written minutes, or other  
507 electronic information is required to be available to the public on the Utah Public Notice  
508 Website under the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

509 Section 7. Section 76-3-402 is amended to read:

510 **76-3-402. Conviction of lower degree of offense -- Procedure and limitations.**

511 (1) As used in this section:

512 (a) "Lower degree of offense" includes an offense for which:

513 (i) a statutory enhancement is charged in the information or indictment that would  
514 increase either the maximum or the minimum sentence; and

515 (ii) the court removes the statutory enhancement in accordance with this section.

516 (b) "Minor regulatory offense" means the same as that term is defined in Section  
517 77-40a-101.

518 (c) (i) "Rehabilitation program" means a program designed to reduce criminogenic and  
519 recidivism risks.

520 (ii) "Rehabilitation program" includes:

521 (A) a domestic violence treatment program, as that term is defined in Section

522 62A-2-101;

523 (B) a residential, vocational, and life skills program, as that term is defined in Section  
524 13-53-102;

525 (C) a substance abuse treatment program, as that term is defined in Section 62A-2-101;

526 (D) a substance use disorder treatment program, as that term is defined in Section  
527 62A-2-101;

528 (E) a youth program, as that term is defined in Section 62A-2-101;

529 (F) a program that meets the standards established by the Department of Corrections  
530 under Section 64-13-25;

531 (G) a drug court, a veterans court, or a mental health court certified by the Judicial  
532 Council; or

533 (H) a program that is substantially similar to a program described in Subsections  
534 (1)(c)(ii)(A) through (G).

535 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor  
536 regulatory offense or a traffic offense.

537 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.

538 (f) (i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as  
539 that term is defined in Section 76-3-203.5.

540 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or  
541 conspiracy to commit an offense, for:

542 (A) the possession, use, or removal of explosive, chemical, or incendiary devices under  
543 Subsection 76-10-306(3), (5), or (6); or

544 (B) the purchase or possession of a dangerous weapon or handgun by a restricted  
545 person under Section 76-10-503.

546 (2) The court may enter a judgment of conviction for a lower degree of offense than  
547 established by statute and impose a sentence at the time of sentencing for the lower degree of  
548 offense if the court:

549 (a) takes into account:

550 (i) the nature and circumstances of the offense of which the defendant was found  
551 guilty; and

552 (ii) the history and character of the defendant;

- 553 (b) gives any victim present at the sentencing and the prosecuting attorney an  
554 opportunity to be heard; and
- 555 (c) concludes that the degree of offense established by statute would be unduly harsh to  
556 record as a conviction on the record for the defendant.
- 557 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter  
558 a judgment of conviction for a lower degree of offense than established by statute:
- 559 (a) after the defendant is successfully discharged from probation or parole for the  
560 conviction; and
- 561 (b) if the court finds that entering a judgment of conviction for a lower degree of  
562 offense is in the interest of justice in accordance with Subsection (7).
- 563 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter  
564 a judgment of conviction for a lower degree of offense than established by statute if:
- 565 (a) the defendant's probation or parole for the conviction did not result in a successful  
566 discharge but the defendant is successfully discharged from probation or parole for a  
567 subsequent conviction of an offense;
- 568 (b) (i) at least five years have passed after the day on which the defendant is sentenced  
569 for the subsequent conviction; or
- 570 (ii) at least three years have passed after the day on which the defendant is sentenced  
571 for the subsequent conviction and the prosecuting attorney consents to the reduction;
- 572 (c) the defendant is not convicted of a serious offense during the time period described  
573 in Subsection (4)(b);
- 574 (d) there are no criminal proceedings pending against the defendant;
- 575 (e) the defendant is not on probation, on parole, or currently incarcerated for any other  
576 offense;
- 577 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting  
578 attorney consents to the reduction; and
- 579 (g) the court finds that entering a judgment of conviction for a lower degree of offense  
580 is in the interest of justice in accordance with Subsection (7).
- 581 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter  
582 a judgment of conviction for a lower degree of offense than established by statute if:
- 583 (a) the defendant's probation or parole for the conviction did not result in a successful

584 discharge but the defendant is successfully discharged from a rehabilitation program;

585 (b) at least three years have passed after the day on which the defendant is successfully  
586 discharged from the rehabilitation program;

587 (c) the defendant is not convicted of a serious offense during the time period described  
588 in Subsection (5)(b);

589 (d) there are no criminal proceedings pending against the defendant;

590 (e) the defendant is not on probation, on parole, or currently incarcerated for any other  
591 offense;

592 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting  
593 attorney consents to the reduction; and

594 (g) the court finds that entering a judgment of conviction for a lower degree of offense  
595 is in the interest of justice in accordance with Subsection (7).

596 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter  
597 a judgment of conviction for a lower degree of offense than established by statute if:

598 (a) at least five years have passed after the day on which the defendant's probation or  
599 parole for the conviction did not result in a successful discharge;

600 (b) the defendant is not convicted of a serious offense during the time period described  
601 in Subsection (6)(a);

602 (c) there are no criminal proceedings pending against the defendant;

603 (d) the defendant is not on probation, on parole, or currently incarcerated for any other  
604 offense;

605 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting  
606 attorney consents to the reduction; and

607 (f) the court finds that entering a judgment of conviction for a lower degree of offense  
608 is in the interest of justice in accordance with Subsection (7).

609 (7) In determining whether entering a judgment of a conviction for a lower degree of  
610 offense is in the interest of justice under Subsection (3), (4), (5), or (6):

611 (a) the court shall consider:

612 (i) the nature, circumstances, and severity of the offense for which a reduction is  
613 sought;

614 (ii) the physical, emotional, or other harm that the defendant caused any victim of the

615 offense for which the reduction is sought; and

616 (iii) any input from a victim of the offense; and

617 (b) the court may consider:

618 (i) any special characteristics or circumstances of the defendant, including the

619 defendant's criminogenic risks and needs;

620 (ii) the defendant's criminal history;

621 (iii) the defendant's employment and community service history;

622 (iv) whether the defendant participated in a rehabilitative program and successfully

623 completed the program;

624 (v) any effect that a reduction would have on the defendant's ability to obtain or

625 reapply for a professional license from the Department of Commerce;

626 (vi) whether the level of the offense has been reduced by law after the defendant's

627 conviction;

628 (vii) any potential impact that the reduction would have on public safety; or

629 (viii) any other circumstances that are reasonably related to the defendant or the

630 offense for which the reduction is sought.

631 (8) (a) A court may only enter a judgment of conviction for a lower degree of offense  
632 under Subsection (3), (4), (5), or (6) after:

633 (i) notice is provided to the other party;

634 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice to  
635 any victims; and

636 (iii) a hearing is held if a hearing is requested by either party.

637 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a  
638 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), or (6).

639 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the  
640 motion, the moving party has the burden to provide evidence sufficient to demonstrate that the  
641 requirements under Subsection (3), (4), (5), or (6) are met.

642 (d) If a defendant files a motion under this section, the prosecuting attorney shall  
643 respond to the motion within 35 days after the day on which the motion is filed with the court.

644 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower  
645 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the defendant is

646 committed to jail as a condition of probation or is sentenced to prison.

647 (10) (a) An offense may be reduced only one degree under this section, unless the  
648 prosecuting attorney specifically agrees in writing or on the court record that the offense may  
649 be reduced two degrees.

650 (b) An offense may not be reduced under this section by more than two degrees.

651 (11) This section does not preclude an individual from obtaining or being granted an  
652 expungement of the individual's record in accordance with [~~Title 77, Chapter 40a,~~  
653 ~~Expungement~~] Title 77, Chapter 40a, Expungement of Criminal Records.

654 (12) The court may not enter a judgment for a conviction for a lower degree of offense  
655 under this section if:

656 (a) the reduction is specifically precluded by law; or

657 (b) any unpaid balance remains on court-ordered restitution for the offense for which  
658 the reduction is sought.

659 (13) When the court enters a judgment for a lower degree of offense under this section,  
660 the actual title of the offense for which the reduction is made may not be altered.

661 (14) (a) An individual may not obtain a reduction under this section of a conviction  
662 that requires the individual to register as a sex offender until the registration requirements  
663 under Title 77, Chapter 41, Sex and Kidnap Offender Registry, have expired.

664 (b) An individual required to register as a sex offender for the individual's lifetime  
665 under Subsection 77-41-105(3)(c) may not be granted a reduction of the conviction for the  
666 offense or offenses that require the individual to register as a sex offender.

667 (15) (a) An individual may not obtain a reduction under this section of a conviction  
668 that requires the individual to register as a child abuse offender until the registration  
669 requirements under Title 77, Chapter 43, Child Abuse Offender Registry, have expired.

670 (b) An individual required to register as a child abuse offender for the individual's  
671 lifetime under Subsection 77-43-105(3)(c) may not be granted a reduction of the conviction for  
672 the offense or offenses that require the individual to register as a child abuse offender.

673 Section 8. Section 77-2-2.3 is amended to read:

674 **77-2-2.3. Reducing the level of an offense.**

675 (1) Notwithstanding any other provision of law, a prosecuting attorney may:

676 (a) present and file an information charging an individual for an offense under

677 Subsections 76-3-103(1)(b) through (d), Subsection 76-3-103(2), or Section 76-3-104 with a  
678 classification of the offense at one degree lower than the classification that is provided in  
679 statute if the prosecuting attorney believes that the sentence would be disproportionate to the  
680 offense because there are special circumstances relating to the offense; or

681 (b) subject to the approval of the court, amend an information, as part of a plea  
682 agreement, to charge an individual for an offense under Subsections 76-3-103(1)(b) through  
683 (d), Subsection 76-3-103(2), or Section 76-3-104 with a classification of the offense at one  
684 degree lower than the classification that is provided in statute.

685 (2) A court may:

686 (a) enter a judgment of conviction for an offense filed under Subsection (1) at one  
687 degree lower than classified in statute; and

688 (b) impose a sentence for the offense filed under Subsection (1) at one degree lower  
689 than classified in statute.

690 (3) A conviction of an offense at one degree lower than classified in statute under  
691 Subsection (2) does not affect the requirements for registration of the offense under Title 77,  
692 Chapter 41, Sex and Kidnap Offender Registry, or Title 77, Chapter 43, Child Abuse Offender  
693 Registry, if the elements of the offense for which the defendant is convicted are the same as the  
694 elements of an offense described in Section 77-41-102 or 77-43-102.

695 (4) This section does not preclude an individual from obtaining and being granted an  
696 expungement for the individual's record in accordance with [~~Title 77, Chapter 40a,~~  
697 ~~Expungement~~] Title 77, Chapter 40a, Expungement of Criminal Records.

698 Section 9. Section 77-27-5.1 is amended to read:

699 **77-27-5.1. Board authority to order expungement.**

700 (1) Upon granting a pardon, the board shall issue an expungement order, directing any  
701 criminal justice agency to remove the recipient's identifying information relating to the  
702 expunged convictions from its records.

703 (a) When a pardon has been granted, employees of the Board of Pardons and Parole  
704 may not divulge any identifying information regarding the pardoned person to any person or  
705 agency, except for the pardoned person.

706 (b) The Bureau of Criminal Identification may not count pardoned convictions against  
707 any future expungement eligibility.

708 (2) An expungement order, issued by the board, has at least the same legal effect and  
709 authority as an order of expungement issued by a court, pursuant to [~~Title 77, Chapter 40a,~~  
710 ~~Expungement~~] Title 77, Chapter 40a, Expungement of Criminal Records.

711 (3) The board shall provide clear written directions to the recipient along with a list of  
712 agencies known to be affected by the expungement order.

713 Section 10. Section ~~77-40a-101~~ is amended to read:

714 **CHAPTER 40a. EXPUNGEMENT OF CRIMINAL RECORDS**

715 **77-40a-101. Definitions.**

716 As used in this chapter:

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

720 (2) "Automatic expungement" means the expungement of records of an investigation,  
721 arrest, detention, or conviction of an offense without the filing of a petition.

722 [~~(2)~~] (3) "Bureau" means the Bureau of Criminal Identification of the Department of  
723 Public Safety established in Section [53-10-201](#).

724 [~~(3)~~] (4) "Certificate of eligibility" means a document issued by the bureau stating that  
725 the criminal record and all records of arrest, investigation, and detention associated with a case  
726 that is the subject of a petition for expungement is eligible for expungement.

727 (5) "Civil accounts receivable" means the same as that term is defined in Section  
728 [77-32b-102](#).

729 (6) "Civil judgment of restitution" means the same as that term is defined in Section  
730 [77-32b-102](#).

731 [~~(4)~~] (7) (a) "Clean slate eligible case" means, except as provided in Subsection  
732 [~~(4)(c);~~] (7)(c) a case:

733 (i) where each conviction within the case is:

734 (A) a misdemeanor conviction for possession of a controlled substance in violation of  
735 Subsection [58-37-8\(2\)\(a\)\(i\)](#);

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

737 (C) an infraction conviction;

738 (ii) that involves an individual:



739 (A) whose total number of convictions in Utah state courts, not including infractions,  
740 traffic offenses, or minor regulatory offenses, does not exceed the limits described in  
741 Subsections 77-40a-303(4) and (5) without taking into consideration the exception in  
742 Subsection 77-40a-303(7); and

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

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

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

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

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

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

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

753 (A) except as provided in Subsection [~~(4)(c)~~] (7)(c), each charge within the case is a  
754 misdemeanor for possession of a controlled substance in violation of Subsection  
755 58-37-8(2)(a)(i), a class B or class C misdemeanor, or an infraction;

756 (B) the individual involved meets the requirements of Subsection [~~(4)(a)(ii)~~] (7)(a)(ii);  
757 and

758 (C) the time periods described in Subsections [~~(4)(a)(iii)(A)~~] (7)(a)(iii)(A) through (C)  
759 have elapsed from the day on which the case is dismissed; or

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

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

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

765 (ii) where the case establishes a criminal accounts receivable, as defined in Section  
766 77-32b-102, that:

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

770 (B) has not been satisfied according to court records; or  
771 (iii) that resulted in one or more pleas held in abeyance or convictions for the following  
772 offenses:  
773 (A) any of the offenses listed in Subsection [77-40a-303\(2\)\(a\)](#);  
774 (B) an offense against the person in violation of Title 76, Chapter 5, Offenses Against  
775 the Individual;  
776 (C) a weapons offense in violation of Title 76, Chapter 10, Part 5, Weapons;  
777 (D) sexual battery in violation of Section [76-9-702.1](#);  
778 (E) an act of lewdness in violation of Section [76-9-702](#) or [76-9-702.5](#);  
779 (F) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence  
780 and Reckless Driving;  
781 (G) damage to or interruption of a communication device in violation of Section  
782 [76-6-108](#);  
783 (H) a domestic violence offense as defined in Section [77-36-1](#); or  
784 (I) any other offense classified in the Utah Code as a felony or a class A misdemeanor  
785 other than a class A misdemeanor conviction for possession of a controlled substance in  
786 violation of Subsection [58-37-8\(2\)\(a\)\(i\)](#).  
787 ~~[(5)]~~ (8) "Conviction" means judgment by a criminal court on a verdict or finding of  
788 guilty after trial, a plea of guilty, or a plea of nolo contendere.  
789 (9) "Court" means a district court or a justice court.  
790 (10) "Criminal accounts receivable" means the same as that term is defined in Section  
791 [77-32b-102](#).  
792 ~~[(6)]~~ (11) "Criminal protective order" means the same as that term is defined in Section  
793 [78B-7-102](#).  
794 ~~[(7)]~~ (12) "Criminal stalking injunction" means the same as that term is defined in  
795 Section [78B-7-102](#).  
796 ~~[(8)]~~ (13) "Department" means the Department of Public Safety established in Section  
797 [53-1-103](#).  
798 ~~[(9)]~~ (14) "Drug possession offense" means an offense under:  
799 (a) Subsection [58-37-8\(2\)](#), except:  
800 (i) any offense under Subsection [58-37-8\(2\)\(b\)\(i\)](#), possession of 100 pounds or more of

801 marijuana;

802 (ii) any offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional  
803 facility; or

804 (iii) driving with a controlled substance illegally in the person's body and negligently  
805 causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah  
806 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);

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

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

809 (d) any local ordinance which is substantially similar to any of the offenses described  
810 in this Subsection [~~(9)~~] (14).

811 [~~(10)~~] (15) "Expunge" means to seal or otherwise restrict access to the individual's  
812 record held by an agency when the record includes a criminal investigation, detention, arrest, or  
813 conviction.

814 [~~(11)~~] (16) "Jurisdiction" means a state, district, province, political subdivision,  
815 territory, or possession of the United States or any foreign country.

816 [~~(12)~~] (17) (a) "Minor regulatory offense" means, except as provided in Subsection  
817 [~~(12)(e)~~] (17)(c), a class B or C misdemeanor offense or a local ordinance.

818 (b) "Minor regulatory offense" includes an offense under Section 76-9-701 or  
819 76-10-105.

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

821 (i) any drug possession offense;

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

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

825 (iv) except as provided in Subsection [~~(12)(b)~~] (17)(b), an offense under Title 76, Utah  
826 Criminal Code; or

827 (v) any local ordinance that is substantially similar to an offense listed in Subsections  
828 [~~(12)(e)(i)~~] (17)(c)(i) through (iv).

829 [~~(13)~~] (18) "Petitioner" means an individual applying for expungement under this  
830 chapter.

831 [~~(14)~~] (19) "Plea in abeyance" means the same as that term is defined in Section

832 [77-2a-1.](#)

833 (20) "Special certificate" means a document issued as described in Subsection  
834 [77-40a-304\(1\)\(c\)](#) by the bureau stating that the criminal record and all records of arrest,  
835 investigation, and detention associated with a case that is the subject of a petition for  
836 expungement is eligible for expungement.

837 ~~[(15)]~~ (21) (a) "Traffic offense" means, except as provided in Subsection ~~[(15)(b)]~~  
838 (21)(b):

839 (i) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
840 under Title 41, Chapter 6a, Traffic Code;

841 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
842 under Title 53, Chapter 3, Part 2, Driver Licensing Act;

843 (iii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
844 under Title 73, Chapter 18, State Boating Act; and

845 (iv) all local ordinances that are substantially similar to an offense listed in Subsections  
846 ~~[(15)(a)(i)]~~ (21)(a)(i) through (iii).

847 (b) "Traffic offense" does not mean:

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

850 (ii) an offense under Sections [73-18-13](#) through [73-18-13.6](#); or

851 (iii) any local ordinance that is substantially similar to an offense listed in Subsection  
852 ~~[(15)(b)(i)]~~ (21)(b)(i) or (ii).

853 ~~[(16)]~~ (22) "Traffic offense case" means that each offense in the case is a traffic  
854 offense.

855 Section 11. Section **77-40a-105** is amended to read:

856 **77-40a-105. Eligibility for removing the link between personal identifying**  
857 **information and court case dismissed.**

858 (1) As used in this section:

859 (a) "Domestic violence offense" means the same as that term is defined in Section  
860 [77-36-1.](#)

861 (b) "Personal identifying information" means:

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

863 (ii) date of birth.

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

869 (b) If a motion is filed under Subsection (2)(a), the court shall grant the motion if:

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

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

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

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

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

878 Section 12. Section **77-40a-301** is amended to read:

879 **77-40a-301. Requirements for expunging a criminal record -- Penalty for false or**  
880 **misleading information on application.**

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

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

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

888 (b) except as provided in Subsection [77-40a-304](#)(2), pay the issuance fee for the  
889 certificate of eligibility or special certificate as described in Section [77-40a-304](#) if the  
890 individual is eligible to receive a certificate of eligibility or special certificate; and

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

892 (2) (a) An individual who intentionally or knowingly provides any false or misleading  
893 information to the bureau when applying for a certificate of eligibility is guilty of a class B

894 misdemeanor and subject to prosecution under Section [76-8-504.6](#).

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

897 Section 13. Section **77-40a-304** is amended to read:

898 **77-40a-304. Certificate of eligibility process -- Issuance of certificate -- Fees.**

899 (1) (a) When a petitioner applies for a certificate of eligibility as described in  
900 Subsection [77-40a-301](#)(1)[5]:

901 (i) the petitioner shall pay an application fee at the time the petitioner submits an  
902 application for a certificate of eligibility to the bureau; and

903 (ii) the bureau shall perform a check of records of governmental agencies, including  
904 national criminal data bases, to determine whether the petitioner is eligible to receive a  
905 certificate of eligibility under this chapter.

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

909 [~~(c) Once the eligibility process is complete, the bureau shall notify the petitioner.]~~

910 [~~(d) If the petitioner meets all of the criteria under Section [77-40a-302](#) or [77-40a-303](#).]~~

911 [~~(i) the bureau shall issue a certificate of eligibility that is valid for a period of 180 days~~  
912 ~~from the day on which the certificate is issued;]~~

913 [~~(ii) the bureau shall provide a petitioner with an identification number for the~~  
914 ~~certificate of eligibility; and]~~

915 [~~(iii) the petitioner shall pay the issuance fee established by the department as~~  
916 ~~described in Subsection (2).]~~

917 [~~(e)~~] (c) If ~~[, after reasonable research,]~~ a disposition for an arrest on the criminal  
918 history file is unobtainable after reasonable research, the bureau may issue a special certificate  
919 giving determination of eligibility to the court, except that the bureau may not issue the special  
920 certificate if:

921 (i) there is a criminal proceeding for a misdemeanor or felony offense pending against  
922 the petitioner, unless the criminal proceeding is for a traffic offense;

923 (ii) there is a plea in abeyance for a misdemeanor or felony offense pending against the  
924 petitioner, unless the plea in abeyance is for a traffic offense; or

925 (iii) the petitioner is currently incarcerated, on parole, or on probation, unless the  
926 petitioner is on probation or parole for an infraction, a traffic offense, or a minor regulatory  
927 offense.

928 (2) (a) Once the eligibility process is complete, the bureau shall notify the petitioner.

929 (b) If the petitioner meets all of the criteria under Section 77-40a-302 or 77-40a-303  
930 and the bureau determines that the issuance of a certificate of eligibility or special certificate is  
931 appropriate:

932 (i) the bureau shall issue a certificate of eligibility or special certificate that is valid for  
933 a period of 180 days from the day on which the certificate is issued;

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

936 (iii) except as provided in Subsection (3), the petitioner shall pay an additional fee for  
937 the issuance of a certificate of eligibility or special certificate.

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

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

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

945 ~~[(d) An issuance fee may not be assessed against a petitioner who]~~

946 (3) The bureau shall issue a certificate of eligibility or special certificate without  
947 requiring the payment of the issuance fee if the petitioner qualifies for a certificate of eligibility  
948 under Section 77-40a-302 unless the charges were dismissed pursuant to a plea in abeyance  
949 agreement under Title 77, Chapter 2a, Pleas in Abeyance, or a diversion agreement under Title  
950 77, Chapter 2, Prosecution, Screening, and Diversion.

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

953 ~~[(3)]~~ (4) The bureau shall include on [the] a certificate of eligibility all information that  
954 is needed for the court to issue a valid expungement order.

955 ~~[(4)]~~ (5) The bureau shall provide clear written instructions to the petitioner that

956 explain:

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

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

960 (6) The bureau shall charge application and issuance fees for a certificate of eligibility  
961 or special certificate in accordance with the process in Section [63J-1-504](#).

962 (7) The department shall deposit funds generated by application and issuance fees  
963 under this section into the General Fund as a dedicated credit by the department to cover the  
964 costs incurred in determining eligibility for expungement.

965 Section 14. Section **77-40a-305** is amended to read:

966 **77-40a-305. Petition for expungement -- Venue -- Prosecutorial responsibility --**  
967 **Hearing.**

968 (1) (a) The petitioner shall file a petition for expungement[;] in accordance with Rule  
969 42 of the Utah Rules of Criminal Procedure[; that includes].

970 (b) A petitioner shall include the identification number for the certificate of eligibility  
971 or special certificate described in Subsection [~~77-40a-304(1)(d)(ii)~~.] [77-40a-304\(2\)\(b\)\(ii\)](#) in the  
972 petition for expungement, unless the petitioner is not required to obtain a certificate of  
973 eligibility under Subsection (3) or (4).

974 [~~(b)~~] (c) Information on a certificate of eligibility is incorporated into a petition by  
975 reference to the identification number for the certificate of eligibility.

976 (d) A petitioner shall bring a petition for expungement:

977 (i) in the court where the criminal case was filed; or

978 (ii) if charges were never filed, in the district court in the county in which the arrest  
979 occurred or the citation was issued.

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

982 (b) A court may not accept a petition for expungement if the certificate of eligibility or  
983 special certificate is no longer valid as described in Subsection [~~77-40a-304(1)(d)(i)~~]  
984 [77-40a-304\(2\)\(b\)\(i\)](#).

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



987 (a) (i) for a traffic offense case with a class C misdemeanor or infraction, at least three  
988 years have passed after the day on which the [~~petitioner was convicted~~] case was adjudicated or  
989 dismissed; or

990 (ii) for a traffic offense case with a class B misdemeanor, at least four years have  
991 passed after the day on which the [~~petitioner was convicted~~] case was adjudicated or dismissed;

992 (b) there is no traffic offense case pending against the petitioner;

993 (c) there is no plea in abeyance for a traffic offense case pending against the petitioner;

994 and

995 (d) the petitioner is not currently on probation for a traffic offense case.

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

999 (a) the petitioner had, at the time of the relevant arrest or citation leading to the  
1000 conviction, a qualifying condition, as that term is defined in Section [26B-4-201](#); and

1001 (b) the possession of cannabis in question was in a form and an amount to medicinally  
1002 treat the qualifying condition described in Subsection (4)(a).

1003 (5) (a) The court shall provide notice of a filing of a petition and certificate of  
1004 eligibility or special certificate to the prosecutorial office that handled the court proceedings  
1005 within three days after the day on which the petitioner's filing fee is paid or waived.

1006 (b) If there were no court proceedings, the court shall provide notice of a filing of a  
1007 petition and certificate of eligibility or special certificate to the county attorney's office in the  
1008 jurisdiction where the arrest occurred.

1009 (c) If the prosecuting agency with jurisdiction over the arrest, investigation, detention,  
1010 or conviction, was a city attorney's office, the county attorney's office in the jurisdiction where  
1011 the arrest occurred shall immediately notify the city attorney's office that the county attorney's  
1012 office has received a notice of a filing of a petition for expungement.

1013 (6) (a) Upon receipt of a notice of a filing of a petition for expungement of a conviction  
1014 or a charge dismissed in accordance with a plea in abeyance, the prosecuting attorney shall  
1015 make a reasonable effort to provide notice to any victim of the conviction or charge.

1016 (b) The notice under Subsection (6)(a) shall:

1017 (i) include a copy of the petition, certificate of eligibility or special certificate, statutes,

1018 and rules applicable to the petition;

1019 (ii) state that the victim has a right to object to the expungement; and

1020 (iii) provide instructions for registering an objection with the court.

1021 (7) (a) The prosecuting attorney may respond to the petition by filing a

1022 recommendation or objection with the court within 35 days after the day on which the notice of  
1023 the filing of the petition is sent by the court to the prosecuting attorney.

1024 (b) If there is a victim of the offense for which expungement is sought, the victim may  
1025 respond to the petition by filing a recommendation or objection with the court within 60 days  
1026 after the day on which the petition for expungement was filed with the court.

1027 (8) (a) The court may request a written response to the petition from the Division of  
1028 Adult Probation and Parole within the Department of Corrections.

1029 (b) If requested, the response prepared by the Division of Adult Probation and Parole  
1030 shall include:

1031 (i) the reasons probation was terminated; and

1032 (ii) certification that the petitioner has completed all requirements of sentencing and  
1033 probation or parole.

1034 (c) The Division of Adult Probation and Parole shall provide a copy of the response to  
1035 the petitioner and the prosecuting attorney.

1036 (9) The petitioner may respond in writing to any objections filed by the prosecuting  
1037 attorney or the victim and the response prepared by the Division of Adult Probation and Parole  
1038 within 14 days after the day on which the objection or response is received.

1039 (10) (a) If the court receives an objection concerning the petition from any party, the  
1040 court shall set a date for a hearing and notify the petitioner and the prosecuting attorney of the  
1041 date set for the hearing.

1042 (b) The prosecuting attorney shall notify the victim of the date set for the hearing.

1043 (c) The petitioner, the prosecuting attorney, the victim, and any other person who has  
1044 relevant information about the petitioner may testify at the hearing.

1045 (d) The court shall review the petition, the certificate of eligibility or special certificate,  
1046 and any written responses submitted regarding the petition.

1047 (11) If no objection is received within 60 days from the day on which the petition for  
1048 expungement is filed with the court, the expungement may be granted without a hearing.

1049 Section 15. Section ~~77-40a-306~~ is amended to read:

1050 **77-40a-306. Order of expungement.**

1051 (1) If a petition for expungement is filed in accordance with Section ~~77-40a-305~~, the  
1052 court shall issue an order of expungement if the court finds, by clear and convincing evidence,  
1053 that:

1054 [~~(a) except as provided in Subsection ~~77-40a-305~~(3) or (4), the petition and certificate~~  
1055 ~~of eligibility are sufficient;~~]

1056 [~~(b) the statutory requirements have been met;~~]

1057 (a) except as provided in Subsection (1)(b) and Subsection ~~77-40a-305~~(3) or (4):

1058 (i) the certificate of eligibility is valid and contains the information needed for the court  
1059 to issue an order for expungement; and

1060 (ii) the statutory requirements for expungement have been met;

1061 (b) if the petitioner obtained a special certificate from the bureau:

1062 (i) the special certificate is valid; and

1063 (ii) there is sufficient information in the petition for the court to determine that the  
1064 statutory requirements for expungement have been met;

1065 (c) if the petitioner seeks expungement after a case is dismissed without prejudice or  
1066 without condition, the prosecuting attorney provided written consent and has not filed and does  
1067 not intend to refile related charges;

1068 (d) if the petitioner seeks expungement without a certificate of eligibility for  
1069 expungement under Subsection ~~77-40a-305~~(4) for a record of conviction related to cannabis  
1070 possession:

1071 (i) the petitioner had, at the time of the relevant arrest or citation leading to the  
1072 conviction, a qualifying condition, as that term is defined in Section ~~26B-4-201~~; and

1073 (ii) the possession of cannabis in question was in a form and an amount to medicinally  
1074 treat the qualifying condition described in Subsection (1)(d)(i);

1075 (e) if an objection is received, the petition for expungement is for a charge dismissed in  
1076 accordance with a plea in abeyance agreement, and the charge is an offense eligible to be used  
1077 for enhancement, there is good cause for the court to grant the expungement; and

1078 (f) the interests of the public would not be harmed by granting the expungement.

1079 (2) (a) If the court denies a petition described in Subsection (1)(c) because the

1080 prosecuting attorney intends to refile charges, the petitioner may apply again for a certificate of  
1081 eligibility if charges are not refiled within 180 days after the day on which the court denies the  
1082 petition.

1083 (b) A prosecuting attorney who opposes an expungement of a case dismissed without  
1084 prejudice, or without condition, shall have a good faith basis for the intention to refile the case.

1085 (c) A court shall consider the number of times that good faith basis of intention to  
1086 refile by the prosecuting attorney is presented to the court in making the court's determination  
1087 to grant the petition for expungement described in Subsection (1)(c).

1088 (3) If the court grants a petition described in Subsection (1)(e), the court shall make the  
1089 court's findings in a written order.

1090 (4) A court may not expunge a conviction of an offense for which a certificate of  
1091 eligibility may not be, or should not have been, issued under Section 77-40a-302 or  
1092 77-40a-303.

1093 (5) If the court issues an order of expungement under this section, the court shall:

1094 (a) expunge all records of the case as described in Section 77-40a-401;

1095 (b) notify the bureau of the order of expungement; and

1096 (c) provide the bureau with the order of expungement and all relevant information  
1097 available to the court that the bureau will need to identify an expunged record.

1098 (6) (a) The petitioner may request certified copies of an order of expungement within  
1099 28 days after the day on which the court issues an order of expungement.

1100 (b) If a petitioner makes a request under Subsection (6)(a), the court shall provide the  
1101 petitioner with certified copies of the order of expungement.

1102 Section 16. Section 77-40a-403 is amended to read:

1103 **77-40a-403. Retention and release of expunged records -- Agencies.**

1104 [~~(1)(a) The bureau, after receiving an expungement order,~~]

1105 (1) (a) After receiving an order of expungement, the bureau shall keep, index, and  
1106 maintain all expunged records of arrests and convictions.

1107 (b) [Any] An agency, other than the bureau, receiving an [expungement order] order of  
1108 expungement shall develop and implement a process to identify and maintain an expunged  
1109 record.

1110 (c) Subsection (1)(b) does not prevent an agency from maintaining or destroying a

1111 record in accordance with a retention schedule when the record is an expunged record.

1112 (d) An agency is not required to redact an expunged record, or a record referencing an  
1113 expunged record, that pertains to more than one individual until the agency is required to  
1114 release the record.

1115 (2) (a) An agency shall provide an individual who receives an expungement with  
1116 written confirmation that the agency has expunged all records of the offense for which the  
1117 individual received the expungement if the individual requests confirmation from the agency.

1118 (b) The bureau may charge a fee for providing a written confirmation under Subsection  
1119 (2)(a) in accordance with the process in Section [63J-1-504](#).

1120 (3) (a) An employee of the bureau, or any agency with an expunged record, may not  
1121 divulge any information contained in the expunged record to any person or agency without a  
1122 court order unless:

1123 (i) specifically authorized by ~~[statute]~~ Subsection (4) or Section [77-40a-404](#); or

1124 (ii) subject to Subsection (3)(b), the information in an expunged record is being shared  
1125 with another agency through a records management system that both agencies use for the  
1126 purpose of record management.

1127 (b) An agency with a records management system may not disclose any information in  
1128 an expunged record ~~[with]~~ to another agency or person [that], or allow another agency or  
1129 person access to an expunged record, if that agency or person does not use the records  
1130 management system for the purpose of record management.

1131 (4) The following entities or agencies may receive information contained in expunged  
1132 records upon specific request:

1133 (a) the Board of Pardons and Parole;

1134 (b) Peace Officer Standards and Training;

1135 (c) federal authorities if required by federal law;

1136 (d) the State Board of Education;

1137 (e) the Commission on Criminal and Juvenile Justice, for purposes of investigating  
1138 applicants for judicial office; and

1139 (f) a research institution or an agency engaged in research regarding the criminal justice  
1140 system if:

1141 (i) the research institution or agency provides a legitimate research purpose for

1142 gathering information from the expunged records;

1143 (ii) the research institution or agency enters into a data sharing agreement with the  
1144 court or agency with custody of the expunged records that protects the confidentiality of any  
1145 identifying information in the expunged records;

1146 (iii) any research using expunged records does not include any individual's name or  
1147 identifying information in any product of that research; and

1148 (iv) any product resulting from research using expunged records includes a disclosure  
1149 that expunged records were used for research purposes.

1150 (5) Except as otherwise provided by this section or by court order, a person, an agency,  
1151 or an entity authorized by this section to view expunged records may not reveal or release any  
1152 information obtained from the expunged records to anyone outside the specific request,  
1153 including distribution on a public website.

1154 (6) A prosecuting attorney may communicate with another prosecuting attorney, or  
1155 another prosecutorial agency, regarding information in an expunged record that includes a  
1156 conviction, or a charge dismissed as a result of a successful completion of a plea in abeyance  
1157 agreement, for:

1158 (a) stalking as described in Section [76-5-106.5](#);

1159 (b) a domestic violence offense as defined in Section [77-36-1](#);

1160 (c) an offense that would require the individual to register as a sex offender, as defined  
1161 in Section [77-41-102](#); or

1162 (d) a weapons offense under Title 76, Chapter 10, Part 5, Weapons.

1163 (7) Except as provided in Subsection (9), a prosecuting attorney may not use an  
1164 expunged record for the purpose of a sentencing enhancement or as a basis for charging an  
1165 individual with an offense that requires a prior conviction.

1166 (8) The bureau may also use the information in the bureau's index as provided in  
1167 Section [53-5-704](#).

1168 (9) If an individual is charged with a felony, or an offense eligible for enhancement  
1169 based on a prior conviction, after obtaining an order of expungement, the prosecuting attorney  
1170 may petition the court in which the individual is charged to open the expunged records upon a  
1171 showing of good cause.

1172 [~~(9) If, after obtaining an expungement, an individual is charged with a felony or an~~

1173 offense eligible for enhancement based on a prior conviction, the state may petition the court to  
1174 open the expunged records upon a showing of good cause.]

1175 (10) (a) For judicial sentencing, a court may order any records expunged under this  
1176 chapter or Section 77-27-5.1 to be opened and admitted into evidence.

1177 (b) The records are confidential and are available for inspection only by the court,  
1178 parties, counsel for the parties, and any other person who is authorized by the court to inspect  
1179 them.

1180 (c) At the end of the action or proceeding, the court shall order the records expunged  
1181 again.

1182 (d) Any person authorized by this Subsection (10) to view expunged records may not  
1183 reveal or release any information obtained from the expunged records to anyone outside the  
1184 court.

1185 (11) Records released under this chapter are classified as protected under Section  
1186 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to  
1187 Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

1188 Section 17. Section 77-40a-404 is amended to read:

1189 **77-40a-404. Confirmation of expungement -- Access to expunged records by**  
1190 **individuals.**

1191 (1) An individual who receives an expungement may request a written confirmation  
1192 from an agency under Subsection 77-40a-403(2) to confirm that the agency has expunged all  
1193 records of the offense for which the individual received the expungement.

1194 (2) The following individuals may view or obtain an expunged record under this  
1195 chapter or Section 77-27-5.1:

1196 (a) the petitioner or an individual who receives an automatic expungement under  
1197 [~~Section 77-40a-201~~] Part 2, Automatic Expungement and Deletion;

1198 (b) a law enforcement officer, who was involved in the case, for use solely in the  
1199 officer's defense of a civil action arising out of the officer's involvement with the petitioner in  
1200 that particular case; and

1201 (c) a party to a civil action arising out of the expunged incident if the information is  
1202 kept confidential and utilized only in the action.

1203 Section 18. Section 77-41-109 is amended to read:

1204 **77-41-109. Miscellaneous provisions.**

1205 (1) (a) If an offender is to be temporarily sent on any assignment outside a secure  
1206 facility in which the offender is confined on any assignment, including, without limitation,  
1207 firefighting or disaster control, the official who has custody of the offender shall, within a  
1208 reasonable time prior to removal from the secure facility, notify the local law enforcement  
1209 agencies where the assignment is to be filled.

1210 (b) This Subsection (1) does not apply to any person temporarily released under guard  
1211 from the institution in which the person is confined.

1212 (2) Notwithstanding [~~Title 77, Chapter 40a, Expungement~~] Title 77, Chapter 40a,  
1213 Expungement of Criminal Records, a person convicted of any offense listed in Subsection  
1214 77-41-102(10) or (18) is not relieved from the responsibility to register as required under this  
1215 section, unless the offender is removed from the registry under Section 77-41-112 or Section  
1216 77-41-113.

1217 Section 19. Section **78A-2-302** is amended to read:

1218 **78A-2-302. Indigent litigants -- Affidavit.**

1219 (1) As used in Sections 78A-2-302 through 78A-2-309:

1220 (a) "Convicted" means:

- 1221 (i) a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental
- 1222 condition, no contest; and
- 1223 (ii) a conviction of any crime or offense.

1224 (b) "Indigent" means an individual who is financially unable to pay fees and costs or  
1225 give security.

1226 (c) "Prisoner" means an individual who has been convicted of a crime and is  
1227 incarcerated for that crime or is being held in custody for trial or sentencing.

1228 (2) An individual may institute, prosecute, defend, or appeal any cause in a court in this  
1229 state without prepayment of fees and costs or security if the individual submits an affidavit  
1230 demonstrating that the individual is indigent.

1231 (3) A court shall find an individual indigent if the individual's affidavit under  
1232 Subsection (2) demonstrates:

1233 (a) for a cause that is not a petition for expungement, the individual has an income  
1234 level at or below 150% of the United States poverty level, as defined by the most recent



1235 poverty income guidelines published by the United States Department of Health and Human  
1236 Services;

1237 (b) for a cause that is a petition for expungement:

1238 (i) if the individual has a household size of one, two, or three, the individual has an  
1239 income level at or below 150% of the United States poverty level for a household size of three,  
1240 as defined by the most recent poverty income guidelines published by the United States  
1241 Department of Health and Human Services; or

1242 (ii) if the individual has a household size of four or more, the individual has an income  
1243 level at or below 150% of the United States poverty level for that individual's household size,  
1244 as defined by the most recent poverty income guidelines published by the United States  
1245 Department of Health and Human Services;

1246 [~~(b)~~] (c) the individual receives benefits from a means-tested government program,  
1247 including Temporary Assistance to Needy Families, Supplemental Security Income, the  
1248 Supplemental Nutrition Assistance Program, or Medicaid;

1249 [~~(c)~~] (d) the individual receives legal services from a nonprofit provider or a pro bono  
1250 attorney through the Utah State Bar; or

1251 [~~(d)~~] (e) the individual has insufficient income or other means to pay the necessary fees  
1252 and costs or security without depriving the individual, or the individual's family, of food,  
1253 shelter, clothing, or other necessities.

1254 (4) An affidavit demonstrating that an individual is indigent under Subsection [~~(3)~~]~~(d)~~  
1255 (3)(e) shall contain complete information on the individual's:

1256 (a) identity and residence;

1257 (b) amount of income, including any government financial support, alimony, or child  
1258 support;

1259 (c) assets owned, including real and personal property;

1260 (d) business interests;

1261 (e) accounts receivable;

1262 (f) securities, checking and savings account balances;

1263 (g) debts; and

1264 (h) monthly expenses.

1265 (5) If the individual under Subsection (3) is a prisoner, the prisoner shall disclose the

1266 amount of money held in the prisoner's trust account at the time the affidavit under Subsection  
1267 (2) is executed in accordance with Section [78A-2-305](#).

1268 (6) An affidavit of indigency under this section shall state the following:

1269 I, (insert name), do solemnly swear or affirm that due to my poverty I am unable to bear  
1270 the expenses of the action or legal proceedings which I am about to commence or the appeal  
1271 which I am about to take, and that I believe I am entitled to the relief sought by the action, legal  
1272 proceedings, or appeal.

1273 (7) The Administrative Office of the Courts shall include on a form for an affidavit of  
1274 indigency the following warning: "It is a crime for anyone to intentionally or knowingly  
1275 provide false or misleading information to the court when seeking a waiver of a court fee."

1276 Section 20. Section **78A-6-350 (Superseded 07/01/24)** is amended to read:

1277 **78A-6-350 (Superseded 07/01/24). Venue -- Dismissal without adjudication on**  
1278 **merits.**

1279 (1) Notwithstanding Title 78B, Chapter 3, Part 3, Place of Trial -- Venue, a proceeding  
1280 for a minor's case in the juvenile court shall be commenced in the court of the district in which:

1281 (a) except as provided in Section [80-6-1001.2](#), for a proceeding under Title 80, Chapter  
1282 6, Juvenile Justice:

1283 (i) the minor is living or found; or

1284 (ii) the alleged offense occurred; or

1285 (b) for [~~all other proceedings~~] any other proceeding, the minor is living or found.

1286 (2) If a party seeks to transfer a case to another district after a petition has been filed in  
1287 the juvenile court, the juvenile court may transfer the case in accordance with the Utah Rules of  
1288 Juvenile Procedure.

1289 (3) The dismissal of a petition in one district where the dismissal is without prejudice  
1290 and where there has been no adjudication upon the merits may not preclude refileing within the  
1291 same district or another district where there is venue for the case.

1292 Section 21. Section **78A-6-350 (Effective 07/01/24)** is amended to read:

1293 **78A-6-350 (Effective 07/01/24). Venue -- Dismissal without adjudication on**  
1294 **merits.**

1295 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a proceeding for a  
1296 minor's case in the juvenile court shall be commenced in the court of the district in which:

1297 (a) except as provided in Section 80-6-1001.2, for a proceeding under Title 80, Chapter  
1298 6, Juvenile Justice:

1299 (i) the minor is living or found; or

1300 (ii) the alleged offense occurred; or

1301 (b) for [~~all other proceedings~~] any other proceeding, the minor is living or found.

1302 (2) If a party seeks to transfer a case to another district after a petition has been filed in  
1303 the juvenile court, the juvenile court may transfer the case in accordance with the Utah Rules of  
1304 Juvenile Procedure.

1305 (3) The dismissal of a petition in one district where the dismissal is without prejudice  
1306 and where there has been no adjudication upon the merits may not preclude refileing within the  
1307 same district or another district where there is venue for the case.

1308 *The following section is affected by a coordination clause at the end of this bill.*

1309 Section 22. Section **78A-7-106** is amended to read:

1310 **78A-7-106. Jurisdiction.**

1311 (1) (a) Except for an offense for which the district court has original jurisdiction under  
1312 Subsection **78A-5-102(8)** or an offense for which the juvenile court has original jurisdiction  
1313 under Subsection **78A-6-103(1)(c)**, a justice court has original jurisdiction over class B and C  
1314 misdemeanors, violation of ordinances, and infractions committed within the justice court's  
1315 territorial jurisdiction by an individual who is 18 years old or older.

1316 (b) A justice court has original jurisdiction over the following offenses committed  
1317 within the justice court's territorial jurisdiction by an individual who is 18 years old or older:

1318 (i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver  
1319 Licensing Act; and

1320 (ii) class B and C misdemeanor and infraction violations of:

1321 (A) Title 23A, Wildlife Resources Act;

1322 (B) Title 41, Chapter 1a, Motor Vehicle Act;

1323 (C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving  
1324 Under the Influence and Reckless Driving;

1325 (D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and  
1326 Operators Act;

1327 (E) Title 41, Chapter 22, Off-highway Vehicles;

- 1328 (F) Title 73, Chapter 18, State Boating Act, except Section 73-18-12;  
1329 (G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;  
1330 (H) Title 73, Chapter 18b, Water Safety; and  
1331 (I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators  
1332 Act.
- 1333 (2) Except for an offense for which the district court has exclusive jurisdiction under  
1334 Section 78A-5-102.5 or an offense for which the juvenile court has exclusive jurisdiction under  
1335 Section 78A-6-103.5, a justice court has original jurisdiction over the following offenses  
1336 committed within the justice court's territorial jurisdiction by an individual who is 16 or 17  
1337 years old:
- 1338 (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver  
1339 Licensing Act; and
- 1340 (b) class B and C misdemeanor and infraction violations of:
- 1341 (i) Title 23A, Wildlife Resources Act;  
1342 (ii) Title 41, Chapter 1a, Motor Vehicle Act;  
1343 (iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving  
1344 Under the Influence and Reckless Driving;  
1345 (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and  
1346 Operators Act;  
1347 (v) Title 41, Chapter 22, Off-highway Vehicles;  
1348 (vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section  
1349 73-18-12;
- 1350 (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;  
1351 (viii) Title 73, Chapter 18b, Water Safety; and  
1352 (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and  
1353 Operators Act.
- 1354 (3) (a) As used in this Subsection (3), "body of water" includes any stream, river, lake,  
1355 or reservoir, whether natural or man-made.
- 1356 (b) An offense is committed within the territorial jurisdiction of a justice court if:  
1357 (i) conduct constituting an element of the offense or a result constituting an element of  
1358 the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is

1359 itself unlawful;

1360 (ii) either an individual committing an offense or a victim of an offense is located  
1361 within the court's jurisdiction at the time the offense is committed;

1362 (iii) either a cause of injury occurs within the court's jurisdiction or the injury occurs  
1363 within the court's jurisdiction;

1364 (iv) an individual commits any act constituting an element of an inchoate offense  
1365 within the court's jurisdiction, including an agreement in a conspiracy;

1366 (v) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another  
1367 individual in the planning or commission of an offense within the court's jurisdiction;

1368 (vi) the investigation of the offense does not readily indicate in which court's  
1369 jurisdiction the offense occurred, and:

1370 (A) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft  
1371 passing within the court's jurisdiction;

1372 (B) the offense is committed on or in any body of water bordering on or within this  
1373 state if the territorial limits of the justice court are adjacent to the body of water;

1374 (C) an individual who commits theft exercises control over the affected property within  
1375 the court's jurisdiction; or

1376 (D) the offense is committed on or near the boundary of the court's jurisdiction;

1377 (vii) the offense consists of an unlawful communication that was initiated or received  
1378 within the court's jurisdiction; or

1379 (viii) jurisdiction is otherwise specifically provided by law.

1380 (4) If in a criminal case the defendant is 16 or 17 years old, a justice court judge may  
1381 transfer the case to the juvenile court for further proceedings if the justice court judge  
1382 determines and the juvenile court concurs that the best interests of the defendant would be  
1383 served by the continuing jurisdiction of the juvenile court.

1384 (5) ~~[Justice courts have jurisdiction of small claims cases]~~ A justice court has  
1385 jurisdiction over:

1386 (a) a small claims case under Title 78A, Chapter 8, Small Claims Courts, if a defendant  
1387 resides in or the debt arose within the territorial jurisdiction of the justice court[-]; or

1388 (b) a petition for expungement under Title 77, Chapter 40a, Expungement of Criminal  
1389 Records.

1390 (6) (a) As used in this Subsection (6), "domestic violence offense" means the same as  
1391 that term is defined in Section 77-36-1.

1392 (b) If a justice court has jurisdiction over a criminal action involving a domestic  
1393 violence offense and the criminal action is set for trial, the prosecuting attorney or the  
1394 defendant may file a notice of transfer in the justice court to transfer the criminal action from  
1395 the justice court to the district court.

1396 (c) If a justice court receives a notice of transfer from the prosecuting attorney or the  
1397 defendant as described in Subsection (6)(b), the justice court shall transfer the criminal action  
1398 to the district court.

1399 Section 23. Section 78A-7-209.5 is amended to read:

1400 **78A-7-209.5. Presiding judge -- Associate presiding judge -- Election -- Powers --**  
1401 **Duties.**

1402 (1) (a) In judicial districts having more than one justice court judge, the justice court  
1403 judges shall elect one judge of the district to the office of presiding judge.

1404 (b) The presiding judge shall receive an additional \$2,000 per annum as compensation  
1405 from the Justice Court Technology, Security, and Training Account described in Section  
1406 78A-7-301 for the period served as presiding judge.

1407 (2) (a) In judicial districts having more than two justice court judges, the justice court  
1408 judges may elect one judge of the district to the office of associate presiding judge.

1409 (b) The associate presiding judge shall receive an additional \$1,000 per annum as  
1410 compensation from the Justice Court Technology, Security, and Training Account described in  
1411 Section 78A-7-301 for the period served as associate presiding judge.

1412 (3) The presiding judge has the following authority and responsibilities, consistent with  
1413 the policies of the Judicial Council:

1414 (a) working with each justice court judge in the district to implement policies and rules  
1415 of the Judicial Council;

1416 (b) exercising powers and performing administrative duties as authorized by the  
1417 Judicial Council;

1418 (c) if there is no other appointed justice court judge in that court available, assigning a  
1419 justice court judge to hear a case in which a judge has been disqualified in accordance with  
1420 rules of the Supreme Court;

1421 (d) if a justice court judge of the district cannot perform the justice court judge's duties  
1422 in a case or cases due to illness, death, or other incapacity, and the governing body has not  
1423 appointed a temporary justice court judge in accordance with Section 78A-7-208:

1424 (i) assigning, on an emergency basis, a justice court judge to hear a case or cases; and

1425 (ii) facilitating judicial coverage with the appointing municipal or county authority  
1426 until a temporary justice court judge can be appointed, in accordance with Section 78A-7-208,  
1427 or a new justice court judge is formally appointed and takes office, in accordance with Section  
1428 78A-7-202; and

1429 (e) entering orders of expungement in cases expunged in accordance with [Section  
1430 ~~77-40a-201~~] Title 77, Chapter 40a, Part 2, Automatic Expungement and Deletion.

1431 (4) (a) When the presiding judge is unavailable, the associate presiding judge shall  
1432 assume the responsibilities of the presiding judge.

1433 (b) The associate presiding judge shall perform other duties assigned by the presiding  
1434 judge.

1435 Section 24. Section 78B-6-853 is amended to read:

1436 **78B-6-853. Expungement by petition for eviction -- Venue -- Objection.**

1437 (1) Any party to an eviction may petition the court to expunge all records of the  
1438 eviction if:

1439 (a) the eviction was for:

1440 (i) remaining after the end of the lease as described in Subsection 78B-6-802(1)(a); or

1441 (ii) the nonpayment of rent as described in Subsection 78B-6-802(1)(c); and

1442 (b) any judgment for the eviction has been satisfied and a satisfaction of judgment has  
1443 been filed for the judgment.

1444 (2) (a) A petitioner shall file a petition and provide notice to any other party to the  
1445 eviction in accordance with the Utah Rules of Civil Procedure.

1446 (b) A petitioner shall bring a petition to expunge records of an eviction in the court that  
1447 issued the order of restitution.

1448 (3) (a) Any party to the eviction may file a written objection to the petition with the  
1449 court.

1450 (b) If the court receives a written objection to the petition, the court may not expunge  
1451 the eviction.

1452 (4) Except as provided in Subsection (5), the court shall order expungement of all  
1453 records of the eviction if the court does not receive a written objection within 60 days from the  
1454 day on which the petition is filed.

1455 (5) A court may not expunge an eviction if the judgment for the eviction has not been  
1456 satisfied.

1457 Section 25. Section **78B-7-1002.1** is enacted to read:

1458 **78B-7-1002.1. Eligibility for removing the link between personal identifying**  
1459 **information and court case dismissed.**

1460 (1) As used in this section, "personal identifying information" means:

1461 (a) a current name, former name, nickname, or alias; and

1462 (b) date of birth.

1463 (2) If a civil order is sought against an individual and the court denies the civil order,  
1464 the individual may move the court for an order to remove the link between the individual's  
1465 personal identifying information from the dismissed case in any publicly searchable database of  
1466 the Utah state courts.

1467 (3) If a motion is filed under Subsection (2), the court shall grant the motion if:

1468 (a) 30 days have passed from the day on which the case is denied; and

1469 (b) an appeal has not been filed in the denied case within the 30-day period described  
1470 in Subsection (3)(a).

1471 (4) Removing the link to personal identifying information of a court record under  
1472 Subsection (3) does not affect another agency's records.

1473 (5) A case history, unless expunged under this chapter, remains public and accessible  
1474 through a search by case number.

1475 Section 26. Section **78B-7-1003** is amended to read:

1476 **78B-7-1003. Requirements for expungement of protective order or stalking**  
1477 **injunction -- Venue.**

1478 (1) (a) An individual against whom a civil order is sought may petition the court to  
1479 expunge records of the civil order.

1480 (b) A petitioner shall bring a petition for expungement under Subsection (1) in the  
1481 court that issued the civil order.

1482 [~~(b) A petition under Subsection (1)(a) shall be filed]~~



1483           (2) The petitioner shall file the petition for expungement under Subsection (1) in  
1484 accordance with the Utah Rules of Civil Procedure.

1485           ~~[(2)]~~ (3) (a) The petitioner shall provide notice to the individual filed the civil order  
1486 against the petitioner in accordance with Rule 4 of the Utah Rules of Civil Procedure.

1487           (b) The individual who filed the civil order against the petitioner:

1488           (i) may file a written objection with the court within 30 days after the day on which the  
1489 petition is received by the individual; and

1490           (ii) if the individual files a written objection, provide a copy of the written objection to  
1491 the petitioner.

1492           (c) If the court receives a written objection to the petition for expungement of a civil  
1493 order, the court shall:

1494           (i) set a date for a hearing on the petition;

1495           (ii) provide notice at least 30 days before the day on which the hearing is held to:

1496           (A) all parties of the civil order; and

1497           (B) any other person or agency that the court has reason to believe may have relevant  
1498 information related to the expungement of the civil order.

1499           (d) The petitioner may respond, in writing, to any written objection within 14 days after  
1500 the day on which the written objection is received by the court.

1501           ~~[(3)]~~ (4) If no written objection is received within 60 days from the day on which the  
1502 petition for expungement is filed under Subsection (1), the court may grant the expungement in  
1503 accordance with Subsection ~~[(4) or (5)]~~ (5) or (6) without a hearing.

1504           ~~[(4)]~~ (5) A court may expunge an ex parte civil protective order or an ex parte civil  
1505 stalking injunction if:

1506           (a) the ex parte civil protective order or the ex parte civil stalking injunction was issued  
1507 but:

1508           (i) the ex parte civil protective order or the ex parte civil stalking injunction is  
1509 dismissed, dissolved, or expired upon a hearing by the court;

1510           (ii) the court did not issue a civil protective order or a civil stalking injunction on the  
1511 same circumstances for which the ex parte civil protective order or the ex parte civil stalking  
1512 injunction was issued;

1513           (iii) at least 30 days have passed from the day on which the ex parte civil protective

1514 order or the ex parte civil stalking injunction was issued;

1515 (iv) the petitioner has not been arrested, charged, or convicted for violating the ex parte  
1516 civil protective order or ex parte civil stalking injunction; and

1517 (v) there are no criminal proceedings pending against the petitioner in the state; or

1518 (b) (i) the individual who filed the ex parte civil protective order or the ex parte civil  
1519 stalking injunction failed to appear for the hearing on the ex parte civil protective order or ex  
1520 parte civil stalking injunction;

1521 (ii) at least 30 days have passed from the day on which the hearing on the ex parte civil  
1522 protective order or the ex parte civil stalking injunction was set to occur, including any  
1523 continuance, postponement, or rescheduling of the hearing;

1524 (iii) the petitioner has not been arrested, charged, or convicted for violating the ex parte  
1525 civil protective order or ex parte civil stalking injunction; and

1526 (iv) there are no criminal proceedings pending against the petitioner in the state.

1527 ~~[(5)]~~ (6) A court may expunge a civil protective order or a civil stalking injunction if:

1528 (a) the civil protective order or the civil stalking injunction has been dismissed,  
1529 dissolved, vacated, or expired;

1530 (b) three years have passed from the day on which the civil protective order or the civil  
1531 stalking injunction is dismissed, dissolved, vacated, or expired;

1532 (c) the petitioner has not been arrested, charged, or convicted for violating the civil  
1533 protective order or the civil stalking injunction; and

1534 (d) there are no criminal proceedings pending against the petitioner in the state.

1535 Section 27. Section **80-6-1001.2** is enacted to read:

1536 **80-6-1001.2. Venue for petition seeking expungement.**

1537 Notwithstanding Section [78A-6-350](#) and Title 78B, Chapter 3a, Venue for Civil

1538 Actions, a petitioner shall bring a petition for expungement under this part:

1539 (1) in the court where the petition for delinquency was filed; or

1540 (2) if a petition for delinquency was never filed, in the juvenile court in the county in  
1541 which the arrest occurred or the citation was issued.

1542 Section 28. **Effective date.**

1543 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

1544 (2) The actions affecting Section [78A-6-350](#) (Effective 07/01/24) take effect on July 1,

1545 2024.

1546 Section 29. **Coordinating S.B. 163 with S.B. 180.**

1547 If S.B. 163, Expungement Revisions, and S.B. 180, Court Jurisdiction Modifications,

1548 both pass and become law, the Legislature intends that, on May 1, 2024, Subsection

1549 78A-7-106(4) enacted in S.B. 180 be amended to read:

1550 "(4) A justice court has jurisdiction over:

1551 (a) a small claims case under Chapter 8, Small Claims Courts, if a defendant resides in  
1552 or the debt arose within the territorial jurisdiction of the justice court; and

1553 (b) a petition for expungement as described in Title 77, Chapter 40a, Expungement of  
1554 Criminal Records."

1555 Section 30. **Coordinating S.B. 163 with H.B. 352.**

1556 If S.B. 163, Expungement Revisions, and H.B. 352, Amendments to Expungement,

1557 both pass and become law, the Legislature intends that, on October 1, 2024, Subsection (4) in

1558 the coordination clause in H.B. 352 affecting Subsection 78A-2-302(2) not be implemented.