

Important Facts About Expungements

Once a person's record is expunged, he/she may answer "no" to any inquiry regarding that person's criminal offense, "as though the arrest or conviction did not occur," Utah Code 77-18-2(3).

There must be a separate expungement order for every arrest/conviction a person is expunging.

A person may expunge more than one **misdemeanor** offense, if the required length of time has elapsed.

When a person receives an expungement certificate, that does not guarantee he/she will receive an actual expungement. An expungement of a criminal offense is a discretionary decision by a prosecuting attorney and the court.

The expungement process explained in this pamphlet covers Utah adult records only. Information on juvenile records should be sought from the Juvenile Court.



Utah Bureau of Criminal Identification
4501 South 2700 West
(2nd Floor)
Salt Lake City, Ut 84119
(801) 965-4445

Expungement of Criminal Records



Utah Bureau of Criminal Identification
Department of Public Safety

Who Is Eligible To Apply For An Expungement

A person must meet eligibility requirements to qualify for an expungement. Please read carefully who may or may not qualify.

- According to Utah State law 77-18-2 a person convicted of any crime, except a capital felony, first degree felony, or second degree forcible felony (as defined in subsection 76-2-402(3)), within this state may petition the convicting court for an expungement and for sealing his/her record.
- A person who has been convicted of more than one felony offense of any degree is not eligible for an expungement of any offense.
- Any person who had expunged a felony conviction and is convicted for a second felony offense is not eligible for an expungement.
- Any person convicted of a sexual offense under Title 76 of the Utah Code is required to submit a written evaluation by Adult Probation and Parole prior to being eligible for an expungement.
- Following the court closing date (which may include incarceration, parole or probation), a person is eligible for expungement, provided there has been no intervening conviction(s) after the following years have elapsed:
 - Felony - 7 years
 - Alcohol-related traffic offense - 6 years
 - Class A misdemeanor - 5 years
 - All other misdemeanors - 3 years
- If a person is arrested with or without a warrant and is not charged or convicted of the crime he/she has been arrested for, and there have been no intervening arrests, the person may petition for an expungement of that arrest after 30 days from the time the arrest occurred. Also, if the person was acquitted in trial, he/she may immediately file for an expungement.

Steps To Be Taken For Filing Of An Expungement.

1. Petitioner (subject requesting the expungement) should make an attempt to secure from the court of conviction a "minute entry" or "docket."
2. Petitioner comes to the Utah Bureau of Criminal Identification, 4501 South 2700 West, (2nd Floor), pays a twenty-five dollar (\$25) fee to obtain an eligibility certificate.
3. Petitioner takes the certificate to the court of conviction and files a petition with the court requesting the expungement and sealing of the criminal record.
4. Once the petitioner is granted the order of expungement, it is his/her responsibility to distribute the order to the various criminal justice entities which may have been involved in the case.

The agencies may include:

- Arresting agency
- Booking agency
- Bureau of Criminal Identification
- F.B.I.
- Corrections (Adult Probation and Parole)
- Courts
- Board of Pardons
- Prosecuting Attorney

5. A copy of the expungement certificate must be attached to each copy of the expungement order which is distributed to every agency listed in #4.

Responsibilities Of Criminal Justice Agencies

Once an expungement order is distributed, it is the responsibility of that agency to seal the record and not divulge to any agency or person any information concerning the record, under penalty of law.

If the record of the petitioner is in automated files, the information must be deleted from the computer.

The only exception to divulging information contained in a sealed record is with a court order.

Federal Expungements

If a person has been arrested or convicted of a federal crime, the process of expungement must be done by seeking "Executive Clemency By Pardon." Petitions may be sought by writing:

**President of the United States
Pardon Attorney
Department of Justice
Washington, D.C. 20530**

The privilege of expunging a Utah criminal record is granted by Utah State law 77-18-2. The Utah State Legislature periodically reviews the statute to insure equity and fairness while maintaining a balance of justice.