



Petition Based

Expungement



Expungement Workgroup

- ▶ Subcommittee of Salt Lake County Mayor's Criminal Justice Advisory Council (CJAC)
- ▶ Group of criminal justice stakeholders with an interest in expungement
 - ▶ Judges
 - ▶ Salt Lake DA's Office
 - ▶ Salt Lake Legal Defenders Office
 - ▶ Private Defense Attorneys
 - ▶ UT Courts Administration
 - ▶ CJAC Council Members
 - ▶ Bureau of Criminal Identification (BCI)
 - ▶ Utah Board of Juvenile Justice; CCJJ
 - ▶ Salt Lake County Mayor's Office
 - ▶ Clean Slate Project
 - ▶ Utah Legal Services
- ▶ These policies represent a consensus view from the workgroup
- ▶ Law enforcement voice – Chief Ken Wallentine – we are in communication



Expungement Workgroup Goal

- ▶ Systemic Improvements to Expungement
 - ▶ How has the workgroup met this goal?
 - ▶ 1. Clean Slate
 - ▶ 2. Expungement Events
 - ▶ 3. Improving Petition Based Expungement

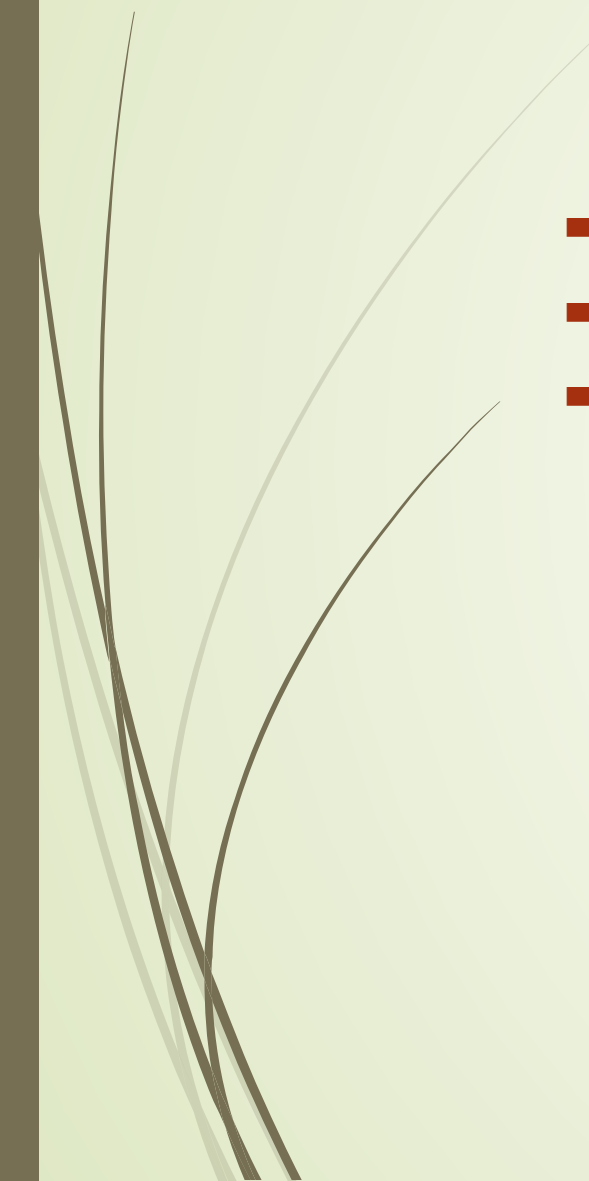


New Bill

- ▶ Currently being drafted
 - ▶ Goal: Have draft complete by September Interim and present to the Interim Judiciary Committee
- ▶ Senator Todd Weiler; Representative Ray Ward



POLICY GOALS

- ▶ Make the process less arduous for the person seeking expungement
 - ▶ Ensure and protect the interests of public safety
 - ▶ Resolve ambiguities and/or provide clarification
- 



Making the Expungement Process Less Arduous

- ▶ 1000s of Utahns are eligible to have their records, or part of their record, cleared through petition based expungement – pro se
- ▶ Data shows that of the cases where individuals have applied for and been granted certificates of eligibility, 44% of them were not expunged
- ▶ Expungement process has become a barrier
- ▶ This bill would
 - ▶ Centralize the process and allow petitioners to file all petitions at 1 location regardless of jurisdiction
 - ▶ Remove requirement that applicants pick up certified orders of expungement and individually deliver a copy to each agency with relevant records
 - ▶ Rather, after the order of expungement is issued by the court, BCI would use existing infrastructure to notify each affected agency after an order of expungement is received (BCI Portal)
 - ▶ Allow for expungement for all class B and class C misdemeanors after 10 years crime free w/out going before BoP
 - ▶ Prosecutors will be served by the court rather than by the petitioner
 - ▶ Lowest level offenses have also created a barrier



Ensure and Protect the Interests of Public Safety

- ▶ Sex offenses that require registration on the sex offender registry are not eligible for expungement
- ▶ Those that may be eligible for expungement on one case but are in the midst of a criminal proceeding in another case, to include probation, are not eligible for expungement
- ▶ Ensure that records are not expunged from one court case that are relevant to another case that is not eligible for expungement
- ▶ County attorneys will be able to communicate interdepartmentally regarding expunged records for stalking, domestic violence, sex offenses, and firearms
- ▶ Criminal episodes tied to permanent stalking injunctions and protective orders will not be expunged
- ▶ Disqualified crimes:
 - ▶ Capital felony
 - ▶ 1st degree felony
 - ▶ Violent felony
 - ▶ Felony automobile homicide
 - ▶ Any other crime connected to the above



Resolving Ambiguities and Providing Clarification

- ▶ Expungement navigation manager found several ambiguities while assisting patrons who were dealing in multiple jurisdictions
- ▶ Ensures that correct prosecuting agency is being provided notice
- ▶ Simplifies process by which prosecutors provide notice to victims
 - ▶ “Reasonable effort” rather than notice by first class mail
- ▶ Only human victims will be required to receive notice



Nick Mecham; CJAC Policies and Projects Coordinator

- ▶ nmecham@slco.org
 - ▶ O: 385-468-7138
 - ▶ C: 801-712-1157
- 