

**COURT RECORDS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies provisions related to court records.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides for delinking personal identifying information from court records under certain circumstances; and
- ▶ addresses scope of the provisions.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**77-40-104.1**, Utah Code Annotated 1953

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

Section 1. Section **77-40-104.1** is enacted to read:

**77-40-104.1. Eligibility for removing the link between personal identifying information and court case dismissed without prejudice.**



- 28           (1) As used in this section:
- 29           (a) "Domestic violence offense" means the same as that term is defined in Section
- 30 [77-36-1.](#)
- 31           (b) "Personal identifying information" means:
- 32           (i) a current name, former name, nickname, or alias; and
- 33           (ii) date of birth.
- 34           (2) A person whose criminal case is dismissed may ~~§~~→ [petition] move ←~~§~~ the court
- 34a ~~§~~→ **for an order** ←~~§~~ to remove the
- 35 link between the person's personal identifying information from the dismissed case in any
- 36 publicly searchable database of the Utah state courts and the court shall grant that relief if:
- 37           (a) 30 days have passed from the day on which the case is dismissed;
- 38           (b) no appeal is filed for the dismissed case within the 30-day period described in
- 39 Subsection (2)(a); and
- 40           (c) no charge in the case was a domestic violence offense.
- 41           (3) Removing the link to personal identifying information of a court record under
- 42 Subsection (2) does not affect a prosecuting, arresting, or other agency's records.
- 43           (4) A case history, unless expunged under this chapter, remains public and accessible
- 44 through a search by case number.
- 45           Section 2. **Effective date.**
- 46           This bill takes effect on July 1, 2018.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**