

EXPUNGEMENT INFORMATION AND INSTRUCTIONS

The statute pertaining to expungement procedures in the State of Utah can be found in section §77-18-2 of the Utah Code of Criminal Procedure. Other States procedures may differ. Therefore, you will need to contact the Court within the State where the record you wish to expunge exists. The Code provides for an expungement and sealing of court and arrest records after expiration of the following time periods:

10 years - Any alcohol/drug related traffic

04 years - Class B Misdemeanor

03 years - Class C Misdemeanor

30 days - Dismissals

There are no limits on the number of infractions that may be expunged.

Time is computed from the date of incarceration, parole or probation, whichever occurs last.

Absentia convictions are considered convicted from the date of arrest. Defendants may petition the Court for reduction of crime severity by one degree.

The Clerk will assist you in locating the case file(s) in this Court. In case there is no file found, there is a form which can be taken to BCI as per the Utah State Court Records Retention Schedule, Appendix F, Utah Court Rules Annotated

Expunging Traffic Offenses as Defined in U.C.A 77-40-102 (10)

Most traffic offenses can be expunged without limit as long as time periods have been met and have no pending cases or fines owed. Traffic charges are not included in determining if a person is eligible for future certificates of eligibility and expungement. When expunging a traffic offense the record will only be deleted from court records and will not affect the Utah State Driver License files. Time period does not begin until all confinement and probation has been completed.

1. The Petition and Order Form has been simplified so the Petitioner needs only to circle the appropriate letter and fill in the blanks with the pertinent information.

Completion of the Petition:

A. You must obtain a Certificate of Eligibility from the Bureau of Criminal Identification in order to process any expungement request.

BCI is located at: 3888 West 5400 South
PO Box 148280
Salt Lake City, UT 84114

- B. You will need to fill out a Petition and Order of Expungement for the Court. Petitions should be typed, but may be accepted if legibly handwritten. Illegible Petition will be rejected by the Court. All known names and information can be located on the Certificate of Eligibility. Do not forget to sign the Petition (you are the Pro se Petitioner).
- C. You must present the completed Petition and Order, Certificate of Eligibility, and the Consent of Waiver of Hearing to the Prosecuting Agency:

Murray City Prosecutor
5025 South State Street
Murray, UT 84157

2. Upon receiving the signature of the Prosecuting Agency, the Petitioner must present all materials to the Court Clerk for submission to the Judge. All forms must be present at time of filing. The Judge will review the case and return the materials to the Court Clerk within 7-10 days for processing.
3. The fee for ANY expungement petition is \$135, plus an additional \$5 for each certified copy needed.
4. The Petitioner is responsible for the distribution of the certified copies of the petition to the required agencies. However, the addresses of the agencies will be provided by the clerk. If the petitioner is out of State, he or she must submit a 9 1/2 by 12 1/2 self-addressed stamped envelope. The Court will then return the certified copies to the Petitioner for distribution.
5. The original Petition and Order of Expungement will be added to the file prior to the record's expungement and sealing, and becomes permanent property of the Court.

Please note: The Court will no longer be able to access any information pertaining to the case by the defendant's name once the Court has expunged the record.

IN THE MUNICIPAL JUSTICE COURT IN AND FOR THE CITY OF MURRAY
COUNTY OF SALT LAKE, STATE OF UTAH

| | | |
|---------------|---|---|
| <hr/> |) | |
| Petitioner |) | PETITION FOR EXPUNGEMENT OF RECORD |
| <hr/> |) | |
| Address |) | Case No. _____ |
| <hr/> |) | |
| Date of Birth |) | Judge W. Paul Thompson |
| <hr/> |) | |
| Petitioner. |) | |

Petitioner petitions this Court for an order of expungement of any and all records relating to the following offense:

1. Petitioner was arrested on the ____ day of _____, _____ by _____ (law enforcement agency) under law enforcement file number _____ for the following crime(s) and/or charge(s), (with the appropriate code or ordinance citation), arising out of the same criminal episode:

filed under the following case number(s): _____

2. With regard to the crime(s) and/or charge(s), the following has occurred (check a, b or c, and all other appropriate boxes):

- a. 30 days have passed since arrest, there have been no intervening arrests, and one of the following has occurred:
 - Petitioner was released without the filing of formal charges
 - Proceedings against Petitioner were dismissed on _____
 - Petitioner was discharged without a conviction and no new

charges

were filed within 30 days

() The Petitioner was acquitted at trial

() b. 30 days have not passed since the time of arrest, but the following extraordinary circumstances exist for granting the expungement:

() c. Petitioner was convicted in this Court on the ____ day of

_____, _____, for the crime(s) of:

Pursuant to Utah Code Ann. § 77-18- 12, Petitioner has obtained an Expungement Certificate from the Law Enforcement and Technical Services Division of the Department of Public Safety (the Utah Bureau of Criminal Identification), which is attached to this Petition and which shows that Petitioner is eligible to have the conviction expunged.

3. Check one of the following:

() Petitioner requests that all records in the Petitioner's case be expunged

() Petitioner requests that only the following records be expunged:

() Petitioner requests that only Petitioner's name be expunged from all records

Dated this ____ day of _____ 20__.

Pro Se Petitioner / Counsel for Petitioner

Mailing Certificate

I certify that I have served (either by first class mail or hand delivering) Petitioner's Petition for Expungement of Records, and the Expungement Certificate issued by the Law Enforcement and Technical Services Division of the Department of Public Safety, to the Prosecuting Attorney and the Department of Corrections at the following addresses:

Pro Se Petitioner / Counsel for Petitioner

IN THE MUNICIPAL JUSTICE COURT IN AND FOR THE CITY OF MURRAY
COUNTY OF SALT LAKE, STATE OF UTAH

| | | |
|---------------|---|-----------------------------|
| _____ |) | |
| Petitioner |) | RECEIPT, CONSENT AND |
| |) | WAIVER OF HEARING |
| |) | |
| _____ |) | |
| Address |) | Case No. _____ |
| |) | |
| _____ |) | Judge W. Paul Thompson |
| Date of Birth |) | |
| |) | |
| |) | |
| Petitioner. |) | |

The undersigned acknowledges receipt of a copy of Petitioner's Petition for Expungement. The undersigned waives the right to object to Petitioner's Petition and consents to this Court entering an Order for Expungement of Records without further hearing.

DATED this _____ day of _____, 20__.

Murray City Prosecutor

IN THE MUNICIPAL JUSTICE COURT IN AND FOR THE CITY OF MURRAY
COUNTY OF SALT LAKE, STATE OF UTAH

| | | |
|-----------------|---|-------------------------|
| _____) |) | |
| Petitioner) |) | NOTICE TO SUBMIT |
| _____) |) | FOR DECISION |
| Address) |) | |
| _____) |) | Case No. _____ |
| Date of Birth) |) | Judge W. Paul Thompson |
| _____) |) | |
| Petitioner.) |) | |

Petitioner filed a Petition for Expungement and Sealing of Record on the _____ day of _____, 20____, along with an Expungement Certificate issued by the Law Enforcement and Technical Services Division of the Department of Public Safety. These documents were served upon the Prosecuting Attorney and the Department of Corrections more than 30 days ago and the Prosecuting Attorney has not objected to the Petition or requested a hearing. The Court has not received a request for hearing from any victim and therefore Petitioner requests that this Court grant Petitioner's petition and execute the accompanying Order, or set forth its reasons for denying to do so.

Dated this _____ day of _____, 20____.

Pro Se Petitioner / Counsel for Petitioner

Mailing Certificate

I certify that I have mailed the Notice to Submit for Decision on Petitioner's Verified Petition for Expungement and Sealing of Records to the Prosecuting Attorney at the following address:

Pro Se Petitioner / Counsel for Petitioner

IN THE MUNICIPAL JUSTICE COURT IN AND FOR THE CITY OF MURRAY
COUNTY OF SALT LAKE, STATE OF UTAH

| | | |
|---------------|---|------------------------------|
| _____ |) | |
| Petitioner |) | ORDER FOR EXPUNGEMENT |
| |) | OF RECORD |
| _____ |) | |
| Address |) | Case No. _____ |
| |) | |
| _____ |) | Judge W. Paul Thompson |
| Date of Birth |) | |
| |) | |
| Petitioner. |) | |

The Court having reviewed Petitioner's Petition for Expungement of Records and having found as follows:

1. That Petitioner was arrested on _____ day of _____, _____
(date) by _____ (law enforcement agency) for the following
charges: _____

filed under the following case number(s): _____:

2. The Petitioner has met all of the conditions for expungement and the Court is satisfied that there are no reasonable objections to Petitioner's petition;

IT IS HEREBY ORDERED:

1. () All records in Petitioner's case in the custody of this Court, any other Court, or any State, county or local entity, agency or official, as identified in the above petition, shall be sealed pursuant to Utah Code Ann. § 77-18-14.

OR

() The following records in Petitioner's case shall be expunged:

() References to Petitioner's name shall be removed from records in Petitioner's case in the custody of this Court, any other Court, or any State, county or local entity, agency or official pursuant to Utah Code Ann. § 77-18-14.

2. Petitioner shall distribute this Order to all affected agencies and officials including the arresting agency, the booking agency, the Prosecutor's Office, the Department of Corrections, the Law Enforcement and Technical Services Division of the Department of Public Safety (the Utah Bureau of Criminal Identification), the Board of Pardons, and all interested courts.

DATED this _____ day of _____, 20__.

Honorable W. Paul Thompson
Judge, Murray Municipal Justice Court