

INFORMATION TO YOU

1. The statutory authority governing expungement is Title 77-18-9, et al of the Utah Code of Criminal Procedure and Rules 4-207 and 4-205 of the Code of Judicial Administration.
2. The Code provides for the expungement and sealing of court and arrest records of the removal of just your name from the records after expiration of the following time period:

Felony (except as listed below)	10 years
Alcohol related traffic offenses	10 years
Class A misdemeanors	5 years
Other misdemeanors & infractions	3 years
Multiple class B or C misdemeanors	15 years
Arrests without filing of charges	30 days
Proceedings commenced, dismissed & acquitted	30 days

Time is computed from the termination of incarceration, parole or probation, whichever occurs last; or absent a conviction, from the date of arrest.

3. You must obtain a certificate of eligibility issued by the Utah Bureau of Criminal Identification (BCI). **You will need a photo ID when you appear.** There may be a fee for the certificate. You may not expunge a conviction involving:

- A capitol felony
- A first degree felony
- A second degree felony
- Any sexual act against a minor; attempt, conspiracy or solicitation to commit under this section

4. There is no fee for filing for an expungement if there was no conviction. There is a filing fee of \$135 for an expungement of a record of conviction. There are fees for the clerk to copy and make certified copies. The fee is \$5.00 to certify the copies.
5. The clerk will assist in **locating the case files in this court.** The clerk cannot offer legal advice. Separate petitions must be filed for each case to be expunged, unless the charges arose out of a single criminal episode. If an expungement is needed in other courts, then petitions must be filed in each court where the record exists. You may not expunge if you have criminal proceedings pending.

6. To complete the petition, you must:

1. Provide all requested information
2. The plaintiff designation should be the same as the name in your case file.
3. The petitioner's name should appear by which you are known.
4. Provide the following personal data:
 - Date of Birth
 - Arrest Date
 - Social Security Number
 - Current Address

In the petition form, complete the number of years since the release from incarceration, parole or probation, whichever is last; or if there wasn't a conviction, the time since you were arrested or acquitted.

7. Upon completion of the petition, you should file the petition and the certificate from the Utah Bureau of Criminal Identification with the Clerk of the Court. You must:

1. Serve a copy of the petition and certificate with the receipt, consent and waiver upon the prosecuting attorney and the Department of Corrections, by either mailing or hand delivering the same.
2. File the completed certificate of mailing or hand delivering with the Clerk of the Court.
3. If the receipt, consent and waiver are signed by the prosecuting attorney, a hearing may not be required. **There is a 30-day waiting period to allow any victim to object to the petition.** After 35 days you should contact the clerk's office at (801) 825-3303 to see if the order has been signed.

8. Upon approval and signature by the court, you will be provided certified copies of the Order and Petition. The cost for each certified copy is \$4.00 per document and 50 cents per page. You must supply these certified copies of the order to all applicable agencies, which may include the arresting agency, booking agency, prosecutor, Department of Corrections, and two (2) copies to the Utah Bureau of Criminal Identification. The addresses most commonly used for distribution are:

Sunset Police Department
200 W. 1300 N.
Sunset, Utah 84015

Sunset City Prosecutor
200 W. 1300 N.
Sunset, Utah 84015

Davis County Attorney
800 West State Street
Farmington, Utah 84025

Davis County Jail
800 West State Street
Farmington, Utah 84025

Department of Corrections
14717 South Minuteman Dr.
Draper, Utah 84020

Utah Bureau of Criminal Identification
3888 West 5400 South
Salt Lake City, Utah 84114-8280

If the arresting agency was other than Sunset Police Department, you must file a copy with the arresting agency, i.e. Utah Highway Patrol or Davis County Sheriffs. Addresses of those agencies can be found in the local phone directory.

Your record is not sealed until certified copies of the court order are distributed.

It is your responsibility to distribute the certified copies.

MAILING (HAND-DELIVERY) CHECKLIST

To the prosecutor:

- **copy** of Petition for Expungement of Records
- **copy** of Certificate of Eligibility (from BCI)
- **original** Receipt, Consent, and Waiver of Hearing
- **original** Order for Expungement of Record

To Department of Corrections

- **copy** of Petition for Expungement of Records
- **copy** of Certificate of Eligibility (from BCI)
- **original** Record of Notification of Victims

To the Court:

- **original** of Petition for Expungement of Records
- **original** of Certificate of Eligibility (from BCI)
- **original** Certificate of Mailing (for the prosecutor & Department of Corrections)

**SUNSET JUSTICE COURT
DAVIS COUNTY, STATE OF UTAH**

PETITIONER)	PETITION FOR EXPUNGEMENT OF RECORD
ADDRESS)	CASE NO. _____
BIRTHDATE)	JUDGE. _____
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 _____, 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 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 _____, 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____.

Counsel for Petitioner/ Pro Se Petitioner

MAILING CERTIFICATE

I certify that I have served (either by first class mail or hand delivered) Petitioner's Petition for Expungement of Records, and the expungement certificate issued by 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:

**SUNSET JUSTICE COURT
DAVIS COUNTY, STATE OF UTAH**

_____)	RECEIPT, CONSENT AND
PETITIONER)	WAIVER OF HEARING
_____)	
_____)	CASE NO. _____
ADDRESS)	
_____)	JUDGE. _____
_____)	
BIRTHDATE)	
_____)	
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____.

PROSECUTOR

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 addresses:
