Rule 4-208. ~~Automatic expungement of cases~~Automated case processing procedures.

Intent:

The intent of this rule is to govern the Administrative Office of the Court's development and implementation of ~~an~~ automated expungement and deferred traffic prosecution process~~es~~.

This rule applies to cases in district and justice courts.

Statement of the Rule:

(1) Definitions.

~~(1)(A) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety.~~

~~(1)(B) "Clean slate eligible case" means the same as defined in Utah Code §77-40-102.~~

~~(1)(C) "Conviction" means a judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.~~

~~(1)(D)~~ "Expunge" means to seal or otherwise restrict access to the individual's court record ~~when the record includes a criminal investigation, detention, arrest, or conviction~~.

(2) Automated expungement and deferred traffic prosecution process~~es~~

> (2)(A) The Administrative Office of the Courts shall develop and implement ~~an~~ automated ~~process for expunging eligible court records~~expungement and deferred traffic prosecution processes.
>
> (2)(B) Automated processes must comply with the requirements outlined in the Utah Rules of ~~Criminal~~ Procedure and the Utah ~~Expungement Act~~Code.
>
> (2)(C) All automated ~~expungement~~ processes developed by the Administrative Office of the Courts shall be approved by the Utah Judicial Council.

(3) Standing and automated orders ~~and orders of expungement~~

> (3)(A) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automatic expungements in all district courts within the presiding judge's district in accordance with Rule 3-108.
>
> (3)(B) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automated deferred traffic prosecution orders in all district courts within the presiding judge's district with jurisdiction over eligible cases in accordance with Rule 3-108.
>
> (3)(C~~B~~) A justice court presiding judge may act as a signing judge for automatic expungements and automated deferred traffic prosecution orders in all justice courts within the presiding judge's district. The length of the assignment must coincide with the judge's term as a presiding judge.

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47   (3)(C) If the district or justice court presiding judge determines that the requirements
48   under the Utah Code, Utah Rules of ~~Criminal~~ Procedure, and this rule have been met,
49   the presiding judge shall issue a standing order authorizing the Administrative Office of
50   the Courts to prepare and automatically affix the presiding judge's judicial signature to
51   orders of expungement~~s~~ and deferred traffic prosecution issued in relation to cases from
52   that judicial district.

53
54   (3)(D) The form and content of automated orders ~~of expungement~~ must be approved by
55   the Utah Judicial Council.

56
57 **(4) Notice of action taken.**

58 ~~(4)(A)~~ The Administrative Office the Courts shall send notice that an order of ~~expungement~~
59 deferred traffic prosecution has been issued in accordance with the Utah Rules of ~~Criminal~~
60 Procedure. Notifications and orders may be sent electronically.

61
62 ***Effective: ~~5/1/2022~~October 1, 2022***