

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

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3 | **Intent:**

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

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7 | This rule applies to cases in district and justice courts.

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9 | **Statement of the Rule:**

10 | **(1) Definitions.**

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

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

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

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

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21 | **(2) Automated expungement and deferred traffic prosecution processes**

22 | (2)(A) The Administrative Office of the Courts shall develop and implement an
23 | automated ~~process for expunging eligible court records~~expungement and deferred traffic
24 | prosecution processes.

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26 | (2)(B) Automated processes must comply with the requirements outlined in the Utah
27 | Rules of ~~Criminal~~ Procedure and the Utah ~~Expungement Act~~Code.

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29 | (2)(C) All automated ~~expungement~~ processes developed by the Administrative Office of
30 | the Courts shall be approved by the Utah Judicial Council.

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32 | **(3) Standing and automated orders ~~and orders of expungement~~**

33 | (3)(A) The presiding officer of the Judicial Council may appoint a district court presiding
34 | judge as a signing judge for automatic expungements in all district courts within the
35 | presiding judge's district in accordance with Rule 3-108.

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37 | (3)(B) The presiding officer of the Judicial Council may appoint a district court presiding
38 | judge as a signing judge for automated deferred traffic prosecution orders in all district
39 | courts within the presiding judge's district with jurisdiction over eligible cases in
40 | accordance with Rule 3-108.

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42 | (3)(~~C~~B) A justice court presiding judge may act as a signing judge for automatic
43 | expungements and automated deferred traffic prosecution orders in all justice courts
44 | within the presiding judge's district. The length of the assignment must coincide with the
45 | judge's term as a presiding judge.

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47 | (3)(~~ED~~) 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 expungements and deferred traffic prosecution issued in relation to cases from
52 | that judicial district.

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

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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.

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