

1 **Rule 4-208. Automatic expungement of cases**

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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 process.

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7 **Applicability:**

8 This rule applies to cases in district and justice courts.

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10 **Statement of the Rule:**

11 **(1) Definitions**

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

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

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

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

19 **(2) Automated expungement process**

20 (2)(A) The Administrative Office of the Courts shall develop an automated process for
21 expunging eligible court records.

22 (2)(B) Automated processes must comply with the requirements outlined in the Utah
23 Rules of Criminal Procedure and the Utah Expungement Act.

24 (2)(C) All automated expungement processes developed by the Administrative Office of
25 the Courts shall be approved by the Utah Judicial Council.

26 **(3) Standing orders and orders of expungement**

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

30 (3)(B) A justice court presiding judge may act as a signing judge for automatic
31 expungements in all justice courts within the presiding judge's district. The length
32 of the assignment must coincide with the judge's term as a presiding judge.

33 (3)(C) If the district or justice court presiding judge determines that the requirements
34 under the Utah Rules of Criminal Procedure and this rule have been met, the
35 presiding judge shall issue a standing order authorizing the Administrative Office
36 of the Courts to prepare and automatically affix the presiding judge's judicial

37 signature to orders of expungements issued in relation to cases from that judicial
38 district.

39 (3)(D) The form and content of automated orders of expungement must be approved by
40 the Utah Judicial Council.

41 **(4) Notice of action taken**

42 (4)(A) The Administrative Office the Courts shall send notice that an order of
43 expungement has been issued in accordance with the Utah Rules of Criminal
44 Procedure.

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46 Effective May/November 1, 20