

CRITERIA FOR A CERTIFICATE OF ELIGIBILITY

A petitioner seeking to expunge a record of arrest, investigation, detention or conviction, including a traffic offense*, must first obtain a certificate of eligibility from BCI.

Offenses which Cannot be Expunged

- Capitol Offense
- First Degree Felony
- Violent Felony
- Automobile Homicide
- Felony DUI
- Registerable Sex Offense

Waiting Period to Expunge a Record of Conviction

Felony	7 years (5 years for drug offenses)
Class A misdemeanor	5 Years
Class B misdemeanor	4 years
Class C misdemeanor or infraction	3 years
Misdemeanor DUI	10 years

Circumstances in Which a Record of Arrest can be Expunged if 30 Days Have Passed and There Are No Criminal Charges Pending Against the Petitioner.

- The case was screened by the police and the prosecutor declined to file charges.
- The case was dismissed with prejudice.
- The petitioner was acquitted at trial.
- The statute of limitations has expired.

FEES

- A petitioner seeking a certificate of eligibility must pay an initial application fee of \$50.00.
- If the petitioner is eligible to receive a certificate of eligibility for a record of conviction, the petitioner must pay an issuance fee of \$56.00.
- If the petitioner is eligible to receive a certificate of eligibility for a record involving a plea which has been dismissed pursuant to plea in abeyance or diversion agreement, the petitioner must pay an issuance fee of \$56.00.
- If the petition is eligible to receive a certificate of eligibility for a record of arrest, investigation, or detention involving a case that has been declined, otherwise dismissed or in which the petitioner was acquitted, there is no issuance fee.

***Traffic offenses may only be expunged from court records, not driver license records.**

Convictions** Which Would Render a Petitioner Ineligible to Obtain a Certificate of Eligibility

The Petitioner has been convicted of two or more felony convictions, each of which is contained in a separate criminal episode.

The Petitioner has been convicted of three or more class A misdemeanor convictions, each of which is contained in a separate criminal episode.

The Petitioner has been convicted of four or more class B misdemeanor convictions, each of which is contained in a separate criminal episode.

The Petitioner has been convicted of five or more convictions of any degree whether misdemeanor or felony, excluding infractions, and minor regulatory offences, each of which is contained in a separate criminal episode.

If at least 10 years have elapsed from the date the petitioner was convicted or released from incarceration, parole, or probation, whichever occurs last, for all convictions, then each eligibility limit defined in Subsection (5) shall be increased by one.

If a petitioner is eligible to expunge the most serious conviction in a case, the petitioner may expunge all convictions included within a single criminal episode.

Circumstances in which a Record of Conviction Cannot be Expunged

A proceeding involving a crime is pending or being investigated against the petitioner.

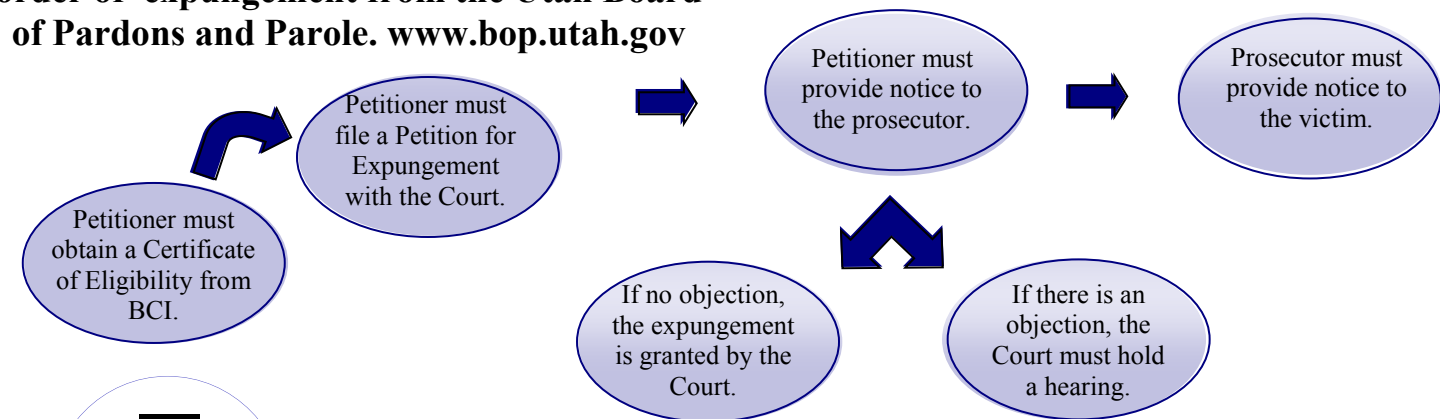
The petitioner intentionally or knowingly provides false or misleading information on an expungement application.

When fines and interest ordered by the court have not been paid in full.

When restitution has not been paid in full.

****A petitioner who has two felony convictions for drug possession offenses or any combination of five or more convictions for drug possession offenses, each of which is contained in a separate criminal episode, may still obtain a certificate of eligibility if the petitioner otherwise meets the criteria in the Expungement Act.**

A petitioner who has been denied a certificate of eligibility from BCI, may still obtain an order of expungement from the Utah Board of Pardons and Parole. www.bop.utah.gov



Overview of the Expungement Process