

# 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.**

## 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.

## Offenses that Cannot be Expunged

Capitol Offense

First Degree Felony

Violent Felony

Automobile Homicide

Felony DUI

Registerable Sex Offense

Registerable Child Abuse Offense

## FEES

A petitioner seeking a certificate of eligibility must pay an initial application fee of \$65.00.

If the petitioner is eligible to receive a certificate of eligibility for a record of conviction, the petitioner must pay an issuance fee of \$65.00.

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 \$65.00.

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 will only be expunged from court records, not Driver License records.**

## Non-Drug Convictions\*\* Which Would Render a Petitioner Ineligible to Obtain a Certificate of Expungement Eligibility

Two or more felony convictions, each of which is contained in a separate criminal episode.

Any combination of three or more convictions, that include two class A misdemeanor convictions, each of which is contained in a separate criminal episode.

Any combination of four or more convictions, that include three class B misdemeanor convictions, each of which is contained in a separate criminal episode.

Five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of which is contained in a separate criminal episode.

**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.**

## Other Circumstances in which a Record of Conviction Cannot be Expunged

A criminal proceeding is pending against the petitioner.

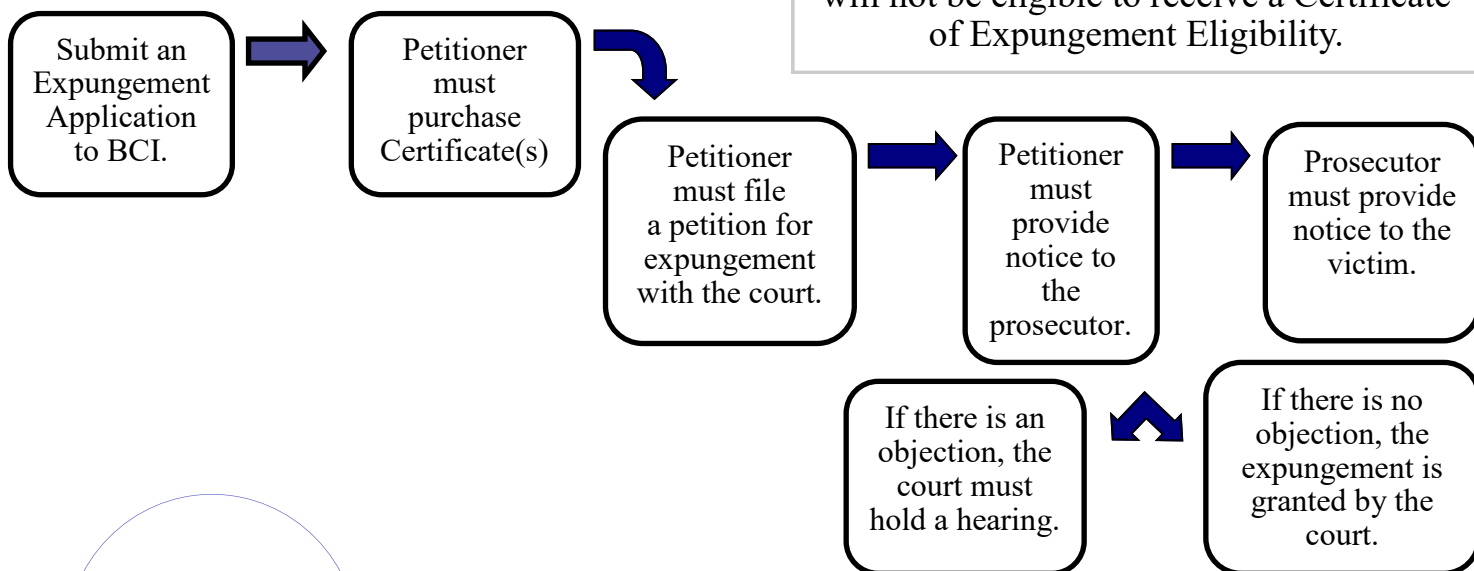
The petitioner intentionally or knowingly provides false or misleading information on the application for a Certificate of Eligibility.

If all fines and interest ordered by the court related to the conviction for which expungement is sought have not been paid in full.

If all restitution ordered by the court or the Utah Board of Pardons and Parole has not been paid in full.

A petitioner who has been denied a Certificate of Expungement Eligibility from BCI, may still obtain an order of expungement from the Utah Board of Pardons and Parole.

\*\*A petitioner who has three or more 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, will not be eligible to receive a Certificate of Expungement Eligibility.



## Overview of the Expungement Process