

EXPUNGEMENT INSTRUCTIONS

WHO IS NOT ELIGIBLE?

1. Any person who has been convicted of the following:
 - Capital Felony
 - First Degree Felony
 - Second Degree Forcible Felony as defined in Utah Code Annotated § 76-4-402(3)
 - Any Charge involving a sexual act against a minor
2. Any person who has been convicted of more than one of any degree of felony offense, not arising out of a single criminal episode, whose felony criminal record has been previously expunged.

WHEN CAN ONE APPLY FOR EXPUNGEMENT?

1. A person is eligible for expungement, providing there has been no intervening conviction(s), after the following listed time period has elapsed from the date of sentencing or release from incarceration, or completion of parole or probation, whichever occurs last:
 - Alcohol Related Traffic Offenses—10 years
 - Felony—7 years
 - Class A Misdemeanor—5 years
 - Class B Misdemeanor—4 years
 - Other Misdemeanor or Infraction—3 years
2. If a person is arrested on any of the following occur:
 - The person is not charged or convicted of the crime
 - The charges were dismissed
 - The person was discharged without a conviction and no charges were re-filed within 30 days
 - The person was acquitted in trial

AND there have been no intervening arrests, the person may petition for expungement of that record 30 days after the date of the arrest or the dismissal of the case if no formal charges are filed.

Any person convicted of a sexual offense must submit to a written evaluation by Adult Probation and Parole. A copy of ORDER FOR EVALUATION (FORM E) will be filled out and signed by the Judge in order to have an evaluation completed.

HOW DOES ONE FILE FOR AN EXPUNGEMENT?

1. Contact the Utah Bureau of Criminal Identification: 3888 West 5400 South, PO BOX 148280 Salt Lake City, UT 84114-8280 or by telephone: (801) 965-4445; and pay the required fees (cash or money order) to obtain an **ELIGIBILITY CERTIFICATE**. The original of this certificate must be filed with the court, but you may wish to make several copies for your records before you file with the court.
2. Distribute the forms as follows:

TO COURT:

- *Original Petition for Expungement (Form A)
- *Original Eligibility Certificate
- *\$135.00 Filing Fee

TO PROSECUTOR:

- *Copy of Petition of Expungement
- *Copy of Eligibility Certificate
- *Original Receipt, Consent and Waiver of Hearing (Form B)

TO DEPT. OF CORRECTIONS:

- *Copy of Petition of Expungement
- *Copy of Eligibility Certificate
- *Original Department of Corrections Receipt and Notice to Victims (Form C)

3. Keep a copy of the Original Eligibility Certificate for mailing with the Order of Expungement.

After 30 days of filing with the court:

TO COURT:

Original of Notice to Submit (Form D)

TO PROSECUTOR:

Copy of Notice to Submit

TO DEPT. OF CORRECTIONS:

Copy of Notice to Submit

Provided there have been no objections to the Petition, an Order of Expungement will be signed. If the Court receives written objections, the Court will schedule a hearing and notify the parties of the hearing. Contact the court two weeks after filing Form D to see if the Order of Expungement has been signed.

Once order has been signed, request and pay for certified copies to send to necessary entities. There is a \$4.50 charge per document for each certified copy requested from the court. A list of addresses is included with this packet.

Help may also be found at the Utah Courts Website. <http://www.utcourts.gov>

LOGAN CITY MUNICIPAL JUSTICE COURT
CACHE COUNTY, STATE OF UTAH
 446 North 100 West Logan, UT 84321
 Phone: (435) 716-9540 Fax: (435) 716-9559

STATE OF UTAH/LOGAN CITY,
 Plaintiff,

vs.

 Defendant

 Defendant's Address

 Defendant's Date of Birth

 Defendant's Phone

**PETITION FOR EXPUNGEMENT
 AND SEALING OF RECORD**

Court Case No. _____

Defendant petitions this court for an order of expungement of any and all records relating to the following offense.

1. Defendant was arrested on _____ by _____ (law enforcement agency) under law enforcement file number _____ for the following crime(s) and/or charge(s) (with the appropriate code or ordinance citation), arising out of the same criminal episode: _____

Filed in the above case.

2. With regard to the crime(s) and/or charge(s), the following has occurred (check A, B, or C and all other appropriate boxes.):
 - A. 30 Days have passed since arrest, there have been no intervening arrests and one of the following has occurred:
 - Defendant was released without the filing of formal charges.
 - Proceedings against Defendant were dismissed on _____.
 - Defendant was discharged without a conviction and no new charges were filed within 30 days.
 - Defendant was acquitted at trial.
 - B. 30 days have not passed since the time of arrest, but the following extraordinary circumstances exist for granting the expungement: _____

 - C. Defendant was convicted in this court on _____ for the crime(s):

Pursuant to Utah Code Annotated § 77-18-12, Defendant has obtained an expungement certificate from the Law Enforcement and Technical Services Division of the Department of Public Safety (Utah Bureau of Criminal Identification), which is attached to this petition and which shows that defendant is eligible to have the conviction expunged.

3. Check one of the following:

- Defendant requests that all records in the Defendant's case be expunged.
- Defendant requests that only the following records be expunged: _____

Defendant Requests that only Defendant's name be expunged from all records.

Dated _____

Counsel for Defendant/Pro Se Defendant

Subscribed and sworn to before me on

Notary

Commission Expires:

Residing at:

MAILING CERTIFICATE

I certify that I have served, either by first class mail or hand delivery, a copy of the PETITION FOR EXPUNGEMENT AND SEALING OF RECORD (Form A) and a copy of the eligibility certificate issued by the Utah Bureau of Criminal Identification to the prosecuting attorney and the Utah Department of Corrections at the following addresses:

Logan City Prosecutor
 C/O Cache County Attorney's Office
 ATTN: NANCY
 199 N Main
 Logan UT 84321

Utah Department of Corrections
 Adult Probation and Parole
 1225 Valley View Highway
 Logan UT 84321

Dated _____

Signature

**LOGAN CITY MUNICIPAL JUSTICE COURT
CACHE COUNTY, STATE OF UTAH**

446 North 100 West Logan, UT 84321
Phone: (435) 716-9540 Fax: (435) 716-9559

STATE OF UTAH/LOGAN CITY,
Plaintiff,

vs.

Defendant

Defendant's Address

Defendant's Date of Birth

Defendant's Phone

**RECEIPT, CONSENT AND
WAIVER OF HEARING**

Court Case No. _____

The undersigned, as prosecutor for Plaintiff, acknowledges receipt of a copy of Defendant's Petition for Expungement. The undersigned waives the right to object to Defendant's Petition and consents to this court entering an Order for Expungement and Sealing of Records without further hearing.

Dated _____

Prosecutor, Attorney for Plaintiff

LOGAN CITY MUNICIPAL JUSTICE COURT
CACHE COUNTY, STATE OF UTAH
446 North 100 West Logan, UT 84321
Phone: (435) 716-9540 Fax: (435) 716-9559

STATE OF UTAH/LOGAN CITY,
Plaintiff,

vs.

Defendant

Defendant's Address

Defendant's Date of Birth

Defendant's Phone

DEPARTMENT OF CORRECTIONS
RECEIPT AND NOTICE TO VICTIMS

Court Case No. _____

The undersigned, as representative of the Utah Department of Corrections, acknowledges receipt of copies of Defendant's Petition for Expungement and Certificate of Eligibility. A review of the Department's records reveals:

- There is no record of any victim having filed a written request for notification with the Department of Corrections pursuant to Utah Code Annotated § 77-18-11(4).
- The victim(s) listed below filed a proper request with the Utah Department of Corrections pursuant to Utah Code Annotated § 77-18-11(4) and have been served with notice of the above named defendant's petition for expungement, certificate of eligibility and the statutes and rules applicable to the petition by first class mail at the following address(es):

Name: _____

Address: _____

Name: _____

Address: _____

Dated _____

Signature

LOGAN CITY MUNICIPAL JUSTICE COURT
CACHE COUNTY, STATE OF UTAH
446 North 100 West Logan, UT 84321
Phone: (435) 716-9540 Fax: (435) 716-9559

STATE OF UTAH/LOGAN CITY,
Plaintiff,

vs.

Defendant

Defendant's Address

Defendant's Date of Birth

Defendant's Phone

NOTICE TO SUBMIT FOR DECISION

Court Case No. _____

Defendant filed a Petition for Expungement and Sealing of Record on _____, along with an Eligibility Certificate issued by the Law Enforcement and Technical Services Division of the Department of Public Safety. These documents were served upon the prosecuting attorney and the Utah Department of Corrections more than thirty (30) days ago and no objection to the petition or request for a hearing has been filed with the Court. Further, the Court has not received a request for hearing from any victim. Therefore, Defendant requests that this Court grant Defendant's petition and execute the accompanying Order, or set forth it's reasons for denying to do so.

Dated _____

Counsel for Defendant/ Pro Se Defendant

MAILING CERTIFICATE

I hereby certify that true and correct copies of the foregoing were hand delivered/mailed to the prosecuting attorney and the Utah Department of Corrections at the following addresses:

Logan City Prosecutor
C/O Cache County Attorney's Office
ATTN: NANCY
199 N Main
Logan UT 84321

Utah Department of Corrections
Adult Probation and Parole
1225 Valley View Highway
Logan UT 84321

Dated _____

Signature

AGENCY LISTING
(Partial)

AFTER BEING GRANTED AN EXPUNGEMENT, THE PETITIONER IS RESPONSIBLE TO NOTIFY THE VARIOUS AGENCIES OF THE EXPUNGEMENT SO THAT CORRESPONDING RECORDS HELD BY THAT AGENCY MAY BE EXPUNGED AS WELL.

The following is a list of agencies which may apply to the case being expunged.

STATE AGENCY:

Utah Bureau of Criminal Identification
3888 W 5400 S
PO BOX 148280
Salt Lake City UT 84114

BOOKING AGENCY:

Cache County Sheriff's Office
ATTN: RECORDS
1225 Valley View Highway Ste 200
Logan UT 84321

PROSECUTOR:

Logan City Prosecutor
C/O Cache County Attorney's Office
ATTN: NANCY
199 N Main
Logan UT 84321

ARRESTING AGENCIES(Choose One):

Logan City Police Department
62 W 300 N
Logan UT 84321

Cache County Sheriff's Department
1225 Valley View Highway
Logan UT 84231

Utah State University Police Department
Utah State University UMC 5800
Logan UT 84322

Utah Highway Patrol
1225 Valley View Highway
Logan UT 84321

A copy needs to be sent to applicable booking agency. Include a copy of the BCI Eligibility Certificate when sending the Expungement Order to the Booking Agency.

If you were represented by an attorney, you need to send a copy to him/her.

If the victim has submitted a written and signed request for notice to the Office of the Department of Corrections in the judicial district in which the crime occurred, notice must be given to the victim.

A copy for your records is recommended as well.