

Petitioned and Automatic Expungement

"Your past doesn't define your future"



Legislative Updates - Automatic/Clean Slate

HB352 & SB163

- Individuals can submit a form to receive an automatic expungement from October 1, 2024, through January 1, 2026.
 - Auto expungements “dump” will be paused during this time frame.
 - BCI will not stop processing the backlogged auto expungements.
 - BCI will be receiving these form responses through our current automatic portal **only**.
- Individuals seeking an automatic expungement starting January 1, 2025, will be denied if the individual is incarcerated in the state prison or on probation or parole that is supervised by the Department of Corrections; and if there is a criminal proceeding pending in Utah against the individual for a misdemeanor or felony offense, unless the proceeding is for a traffic offense.
- The court and BCI are the only agencies that expunge records affected by an automatic expungement order.

Clean Slate/Automatic Expungement

- BCI has received 474,480 orders from
 - Stopped receiving orders in mid February
- As of **September 1st** BCI currently has a backlog of **227,349**
 - Hoping to complete the backlog in approximately 18 months
- Stats
 - 71,887 auto processed (15.15%)
 - 140,291 manually processed without a criminal history (29.56%)
 - 34,953 manually processed with a criminal history (7.36%)
- Currently have 8 full time employees working on auto orders
 - 2 seasoned employees
 - 3 employees who just completed training
 - 3 new employees being trained (it takes about 6 months to 1 year to fully complete training)

Clean Slate/Automatic Expungement

Updates

- Form based Auto Expungements:
 - There will be an online portal for a person to ask for a specific incident to be automatically expunged.
 - The customer will need to know the specific case number that they believe is eligible for automatic expungement.
- These form based Auto Expungements are priority #4 based on HB352.
- The AOC will not be sending BCI any batch orders until January 1, 2025.
- Agencies other than BCI and the Courts will no longer be required to expunge their files as of October 1st, 2024.
 - Under HB352 (77-40a-207(3)) Except for the court and the bureau, an agency is not required to expunge all records of a case that is automatically expunged.

Example of AE Broadcast Message

Message Details

ORI: UT

Message Type: AE

Message:

Name: [REDACTED] SID: [REDACTED] FBI Number: [REDACTED] OTN: [REDACTED]
[REDACTED] Court Case Number: [REDACTED] Agency Case Number: [REDACTED]
[REDACTED] Citation Number: [REDACTED] Dob: [REDACTED] Arrest Date: [REDACTED]
[REDACTED]
SID was not removed.

Start Date: 03-17-2022 16:00

- Once BCI removes an Automatic/Clean Slate incident all agencies that we know that were involved will receive a BMSG message.
- Under “Message Type” is where you will find if it is AE or EX.
- Agencies can view these messages for 21 days. If it has been longer than 21 days you will need to reach out to your field services representative for help retrieving those messages.

Legislative Updates - Petition Based

HB352 & SB163

- There is a waiver of certificate fees if a court finds that the individual filing the petition for expungement is indigent.
- Establishes the priority of expungement orders that are processed by a court and BCI
 - 1. Petition based orders
 - 2. BOP orders
 - 3. Plea in abeyance orders as part of 77-2a-3
 - 4. Auto Expungement Form Responses
 - 5. Auto orders (the backlog)
- Prosecuting attorney has 35 days to respond to a motion to reduce a conviction for purposes of expungement
- Courts will be required to provide certified copies of the expungement orders if requested

Application is submitted



No
Yes

Determination will be completed and the petitioner will receive an offense list and they will need to indicate what certificates they would like to purchase.

Petitioner will pay for certificates that they wish to purchase. After they are purchased BCI will send them their certificate summary with all purchased certificates

The petitioner will take those certificates to the indicated courts and file the certificates with the court and follow the court process

If the order to expunge is granted the courts will send BCI the order to expunge

BCI will process the order to expunge and send the final confirmation letter to the petitioner

Determination will be completed and the petitioner will receive all certificates they are eligible for without paying for the certificates

The petitioner will receive the certificate summary, instructions on the process & their filled-out fee waiver from BCI

The petitioner will file the fee waiver and the certificates with the courts and follow the court processes.



Yes

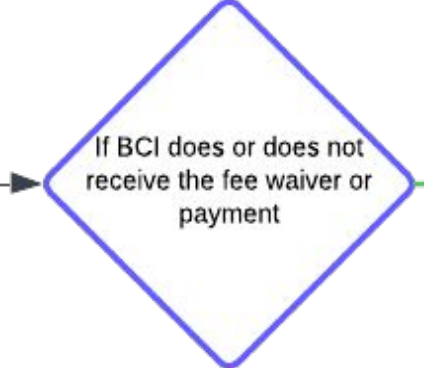
If granted, all other courts will have to honor the fee waiver

For any granted orders, the fee waiver and the order to expunge will be sent to BCI

No

If the petitioner does not file the fee waiver OR the court does not grant the fee waiver

If BCI receives an order to expunge a "collection" letter will be sent indicating BCI either needs the granted fee waiver or X amount of money for the certificates they received



No

If BCI never receives payment or the fee waiver those incidents will not be processed and will remain on their Criminal History

BCI will continue to send letters 1 time per month for 18 months trying to collect payment or the fee waiver for granted orders.

Yes

HB352 Petitioned Expungement Workflow

Example of EX Broadcast Message

Message Details

ORI: UT

Message Type: EX

Message:

Name: [REDACTED] FBI Number: [REDACTED] OTN: [REDACTED] Court Case
Number: [REDACTED] Agency Case Number: [REDACTED] Citation Number: [REDACTED]
[REDACTED] Dob: [REDACTED] Arrest Date: [REDACTED] Originating ORI:
[REDACTED]

Charge Information:
Charge: ILLEGAL POSS/USE OF CONTROLLED SUBSTANCE severity: MA
Charge: GRAFFITI severity: MB

Start Date: 08-09-2023 17:00

- Once BCI removes a petitioned incident all agencies that we know that were involved will receive a BMSG message.
- Under “Message Type” is where you will find if it is AE or EX
- Agencies can view these messages for 90 days. If it has been longer than 90 days you will no longer be able to view those messages.

BMEX

The screenshot shows the UCJIS (Utah Criminal Justice Information System) interface. At the top left is the UCJIS logo. To its right is a search bar containing 'BMEXL' and a 'New Broadcast Message' button. Below the search bar is a 'Close All' button. A breadcrumb trail shows 'UCJIS Home' and 'BMEXL'. The main heading is 'Broadcast Message Export'. A link provides more information on using the transaction. The form includes a 'Message Type' dropdown menu with 'AE' selected, a 'Start Date' field with the placeholder 'ENTER DATE MMDDYYYY', and an 'End Date' field. An 'Export Search Results' button is at the bottom left.

- This transaction is a message export
 - The transaction allows agencies to pull past broadcast messages regarding auto expungements (AE) and expungements (EX)
 - It will only pull AE and EX messages
- Results go as far back as January 2022

Current Wait Times

Currently Processing Applications Received On:
August 13, 2024

Currently Processing Orders Received On:
September 10, 2024

As this processing date can change daily we ask that applicants or 3rd parties please refer to bci.utah.gov/expungements/ to check what dates the Expungement team is processing. This gets updated each Monday.

Expungement Verifications – EV Applications

- When someone wants to know what they have had Petitioned AND Auto Expunged they can apply with this application.

What is required?

- \$15 application fee.
- Copy of valid form of ID.
- Completed application.

What is included?

- The applicant will receive 2 letters 1 for Auto Expunged information and 1 for Petition Expunged information.
- If they have had incidents expunged they will receive a copy of all their orders and if it was petition based they will receive a copy of there certificate along with the order.