

Background on Utah's Clean Slate Law Updated March 2021

Why This Matters: 1 in 3 Utahns has some type of criminal record. Criminal records—even ones of very old and minor crimes—disappear only if an individual goes through the legal expungement process. While Utah has had a petition-based expungement process for a long time, this process is so costly and complicated that 90% of those eligible for relief never make it through the process. This leaves a lot of people to live with the collateral consequences of a criminal record for years, being shut out of safe housing, employment, and other opportunities.

Summary: Utah's Clean Slate law passed unanimously in the Utah State Legislature and was signed into law by Governor Gary Herbert on March 28, 2019. On this date, Utah became the second state in the nation to automate the criminal record expungement process for individuals with qualifying misdemeanor records. Under this law, individuals with eligible records no longer need to apply for an expungement, pay fees, hire lawyers, or petition the court. Instead, with no action from the individual, the government will identify and expunge all eligible records. Here is a [link](#) to a short story of our campaign.

Status: The law went into effect on May 1, 2020, but implementation was temporarily stalled due to COVID-19. Utah stakeholders are now back on track, and anticipate automated record clearing will begin this summer.

Link to Law: Here is a [link](#) to HB 431, Utah's Clean Slate Law, sponsored by Rep. Eric Hutchings and Sen. Daniel Thatcher.

Eligible Records:

Under Utah's Clean Slate law, the criminal record expungement process will be automated for:

- Dismissal records (180 days from the date of dismissal order)
- All acquittals (after 60 days)
- All "Clean Slate" eligible conviction records

List of Clean Slate Eligible Convictions:

Offense Level	Waiting Period*
Class A misdemeanor convictions for possession of a controlled substance (note: this is the only Class A eligible offense)	7 years
Most Class B misdemeanor convictions	6 years
Most Class C misdemeanor convictions	5 years
Infractions and Traffic	3 years

*Unlike the petition-based process, waiting periods run from the date of adjudication.

Conviction Exclusions:

- Any cases ineligible for expungement under the petition based process
- All felonies
- All Class A misdemeanor offenses other than drug possession
- Certain person on person crimes (due to victim notification requirements)
- Sex offenses requiring registration
- Weapons offenses
- Driving Under the Influence (DUI)
- Reckless driving offenses
- Domestic violence cases
- Anyone who owes fines, fees, or restitution

Projected Impact on Criminal Records:

We estimate that 1 in 3 Utahns has a criminal record, but that close to 90% of those eligible to expunge their records never make it through the petition-based expungement process.

According to very preliminary and confidential estimates from Code for America, we predict that over 200,000 people in Utah have a Clean Slate eligible conviction record. When combined with non-conviction records, it is estimated that close to 10% of all Utahns will be eligible for some form of Clean Slate relief.

Notification: while the law is projected to have high impact, it does not have a notification requirement, meaning people with eligible records will not be directly notified that one or all of their criminal case records have been cleared. In addition, survey data from statewide expungement events shows that 65% of people with records report that they have not heard of Utah's Clean Slate law. As a result, we will need to work

diligently during the implementation phase of the campaign to spread the word and notify individuals of Clean Slate's potential impact to their lives.