

New Utah Law Gets Adult or Juvenile Criminal Record Expunged Faster

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There's some relief now available for people in Utah who hope to have their adult or juvenile criminal record expunged. Last August (2021), Utah's new *clean slate* law, passed in 2019, went into effect. The new law allows the automatic expungement of the criminal records of individuals who have met all the criteria for earning an expungement. Here's what you need to know about the opportunity for potential expungement of your criminal record in Utah under the new law.

Utah National Leader in Second-Chance Legislation

Utah is the second state in the U.S. to legislate the rollout of an automated system to eventually cancel out criminal records of individuals who are convicted of specified minor crimes. Only one other state, Pennsylvania, has adopted this type of fresh-start legislation. The new law has laid the foundation for the launch of an automated expungement system to eliminate criminal records of people who have not had additional convictions and meet all the other criteria.

Applying for Expungement Before New Law

The new law allows for automated processing of criminal records to expunge files for people who qualify, without requiring any actions from individuals to prompt review of their eligibility. The new law does nothing to reduce the criteria for receiving an

expungement. But, for people who meet all the requirements, an expungement can be granted without any need to apply for it.

The implementation of this new law last year marks the start of phasing out a former system that took much longer for people to have their eligibility for expungement evaluated. Before the adoption of the new law, attempting to obtain an expungement was a long, complicated, and deeply frustrating undertaking for many people eager to move forward with a fresh start and leave their past behind.

The difficulties were daunting enough to discourage all but a small percentage of people from even trying to get a criminal record expunged. For example, reportedly, Salt Lake County officials said the backlog of applications for expungement had forced people to wait as long as six months just to find out if they were even qualified to receive an expungement.

Under the new law, the process will be automated to prevent such extreme delays in processing applications for expungements in that county and throughout the state.

How to Get an Expungement Under the New Law

With the new clean-slate law in place, you will not need to do anything to have your criminal record in Utah removed from the system if you are qualified for expungement. Here's how it works:

- The new law does not alter the criteria for eligibility to receive an expungement.
- The automatic expungement law largely applies only to lower-level crimes.
- The new system does not permit expungements for any of the following:
 - Felonies
 - Domestic violence
 - Sexual battery
 - Other violent misdemeanors
 - DUI
- You must not have any criminal convictions for these minimum periods:
 - The past 5 years for Class C Misdemeanors
 - The past 6 years for Class B Misdemeanors
 - The past 7 years for Class A Misdemeanor drug possession. (This is the only Class A Misdemeanor that is eligible for expungement.)
 - If your record aligns with the above requirements and meets all other criteria for eligibility, your criminal record in Utah will be automatically expunged.

What if My Criminal Record is Not Expunged?

Having a criminal record puts you at a major disadvantage in many very serious ways. Here are just a few examples of reasons why people seek to have a minor criminal record expunged:

- **Employment:** Your ability to get a job may be negatively impacted. Even if you have a good work record, you may find it difficult to get work in your field or others.
- **Housing:** You may encounter rejections of your rental or lease applications from property owners or managers due to an old record of a criminal conviction.
- **Education:** You may not be able to get approved for college admission to pursue your education and your career choice.
- **Child custody:** Your possibility of winning full custody or joint custody can be lost due to a criminal record.
- **Owning firearms:** Depending on the nature and severity of the crime on your record, you might not be permitted to own a firearm for family, home, or personal protection.

A Fresh Start

With the new second-chance law, people convicted of minor criminal charges in Utah, who meet the criteria to have their adult or juvenile records expunged, can now benefit from a fresh start. You can go forward without a criminal record overshadowing your goals and efforts to move on with your life.

By passing the new law, the majority of lawmakers acknowledged that after people pay their debt to society, they should be able to move on with their lives without an undue burden that makes it too difficult for them to work, get an education, provide for their families, and live a happy life.

One proponent of the new law was quoted as saying that the law “allows thousands of Utahns to look forward to their future rather than backward at past mistakes.” Another said, “This legislation will go a long way towards getting back to work and away from crime while saving taxpayer dollars and enhancing public safety.”

For Help With Expungement – Wasatch Defense Lawyers

For many years, we have been helping people in Utah by getting charges dropped or substantially reduced, and otherwise getting the minimum possible penalties for them. Preparing requests for expungements is one more way we can help people move past their former troubles and go on to enjoy a better life. Although the new law should work to expunge your record automatically at the appropriate time if you are eligible, if you have questions or concerns about your case, we are here to help you.

For help pursuing expungement of your criminal record in Utah, call Wasatch Defense Lawyers at (801) 980-9965, or contact us here online to schedule a free consultation.
