

Policy Brief: Utah's Clean Slate Law

Approximately 1 in 4 Utahns have a criminal record (Utah Courts, 2022). This figure translates to a sizable number of people who encounter barriers to accessing employment, housing, education, and other opportunities. Utah has attempted to remedy these adverse effects of incarceration by establishing systems for petition-based expungement. While expected to yield several benefits for the petitioner, petition-based expungement is often difficult and costly, resulting in over 90% of those eligible never completing the process (Utah Indigent Defense Commission [Utah IDC], 2021). Utah recently adopted a policy that would significantly alter the expungement process to facilitate reintegration, reduce stigma, mitigate the collateral consequences of imprisonment, and remove the hassles associated with petitioning.

Sponsored by Republican Representative Eric Hutchings and Senator Daniel Thatcher and championed by organizations such as the Crime and Justice Institute, National Clean Slate Initiative, and Code for America, [HB 431](#) was passed unanimously by state legislators (Sudbury, 2021; Utah IDC, 2021). The bill, signed into law by Governor Gary Hebert on March 28, 2019, authorizes the automatic expungement of certain criminal records. Under an automated system, people with qualifying records who seek expungement relief are unencumbered by submitting applications, paying fees, hiring legal representation, and petitioning the court (Utah IDC, 2021). Instead, the state initiates and expunges all eligible criminal records without any action taking place on the part of the individual. Utah is only the second state after [Pennsylvania](#) to implement a Clean Slate law, making this policy innovative and exceptional (Capuder, 2021).

However, the expungement process has not been easy, as hundreds of thousands of cases have ended up in the backlog (Miller, 2024). Signed on March 13, 2024, [HB 352](#) suspends the

processing of new cases to allow time to address the backlog. Ultimately, while Utah's Clean Slate law remains active, implementation issues have slowed the expungement process.

Overview of Utah's Clean Slate Legislation

Traditional Petition Expungement Process

The passage of Utah's Clean Slate law has wholly transformed how individuals can have their records expunged. Before, those seeking relief only had the option of undergoing a lengthy and expensive process. In a typical case, an individual first hires an attorney—often costing up to \$2,000—to help understand Utah's complicated eligibility and procedural requirements (Rasa Legal, 2024b). To begin the expungement process, one must pay a \$65 application fee to Utah's Bureau of Criminal Identification (BCI). If the petitioner is eligible for a certificate with a conviction, plea in abeyance, or a special certificate, they must pay an additional \$65 fee per certificate (Utah BCI, 2025a). However, if eligibility is based on the case being declined, dismissed with no plea in abeyance, or acquittal, there is no additional fee.

As an aside, it is worth mentioning here that [HB 392](#), which took effect on May 4, 2022, temporarily amended these expungement fees as part of a pilot program. If people submitted applications before May 4, 2022, they were subject to paying all additional fees. However, for applications processed after May 4, 2022, through June 30, 2023, all fees were waived except the \$65 filing fee. On July 1, 2023, the Utah government reinstated the fees related to petition-based expungement. However, HB 352 and SB 163 were introduced to make the expungement process more accessible (Rasa Legal, 2024a). [SB 163](#) raised the income threshold to \$37,290 for households of up to three people, allowing those earning below this amount to be exempt from court filing fees. [HB 352](#) permits individuals to indicate on their BCI applications if they think they qualify for a waiver of BCI certificate fees based on their income. Also, if a court grants a

fee waiver, all other involved courts must honor this waiver, saving individuals time and effort from needing to make multiple waiver requests. Despite these positive changes toward financial equity, some low-income families might be excluded if they earn slightly above the threshold (Rasa Legal, 2024a). This concern prompted Republican Representative [James Dunnigan](#) to sponsor another bill to extend the fee waiver from HB 392 for five more years (Booker, 2023).

After handling any government fees, petitioners must travel across municipalities to file the eligibility certificate, petition the court, and attend a possible judicial hearing if the prosecutor or victim opposed the expungement (Sudbury, 2021). The entire duration for this petition-based process can take at least one year to finish, which explains why only a few expungement petitions (roughly 2,000) are submitted each year (Sudbury, 2021). This number pales compared to the estimated tens of thousands of Utahns who are likely eligible for record clearance relief (Sudbury, 2021; Utah Courts, 2022).

Automated Expungement Process

Fortunately, Utah's Clean Slate law expands the reach of expungement relief. Now, instead of petitioning the court, qualifying individuals depend on the Utah Administrative Office of the Courts and the Utah Department of Public Safety, the latter of which houses Utah's BCI, to determine eligibility with algorithmic technology developed by the nonprofit Code for America (Sudbury, 2021). These agencies then notify prosecutors, who review the eligible cases and can object to an expungement order within 35 days. The approved expungement orders are electronically sent to BCI, which programmatically matches court orders with individuals' records. When matches are found, the BCI informs relevant law enforcement agencies to update their records accordingly. Once expunged, criminal records become hidden from public view, will not appear in the [Utah State Court Xchange database](#) or on one's criminal history, and can

legally be discussed as if the offense(s) never happened should individuals be questioned about their criminal history (Clean Slate Utah, 2022). This relief applies to individuals at least 18 years of age with “Class A misdemeanor drug possession offenses, most class B and C misdemeanor offenses, minor regulatory offenses, and infractions” (Clean Slate Utah, 2022, para. 3). A more recent law, [SB 35](#), expanded the automated relief on May 4, 2022, to include some dismissed charges and traffic offenses.

Utah also incorporates waiting periods in which individuals must be crime-free for a specified time based on the severity of the conviction to receive an automatic expungement. They are as follows: “five years for a class C misdemeanor or an infraction,” “six years for a class B misdemeanor,” and “seven years for a class A conviction for possession of a controlled substance” (as cited in Capuder, 2021, p. 526; also, see Clean Slate Utah, 2022 for a [chart](#) display of this information). Moreover, there are numerical limits if individuals have more than one case that resulted in a conviction (Utah Courts, 2022).

While the eligibility criteria for Utah are quite specific, the law is also fairly generous. Contrary to [New Jersey](#) and [Pennsylvania](#), which have a strict 10-year waiting period that is the same for everyone, Utah’s waiting periods are shorter, operating on a “sliding scale” that varies according to the offense. Also, Utah allows automatic expungement for multiple misdemeanor offenses across all levels. Though felonies and violent misdemeanors (e.g., domestic violence) are ineligible for automatic clearance, people with these convictions are still welcome to seek expungement through the petition process (Clean Slate Utah, 2022; Sudbury, 2021).

Notwithstanding its strength, Utah’s Clean Slate law is not without limitations. Although records are removed from public view, this does not preclude them from appearing online on news sites, social media posts, and other platforms (Woolf, 2024). Such publicity can result in

data-driven discrimination, intrusion of privacy, and fractured social relationships (Lageson, 2020). Another eligibility requirement for automatic expungement is that individuals must pay any court-ordered financial obligations. This condition is arguably counterintuitive given that criminal records are often a significant barrier to employment, which is ironically essential to resolving court debt. Though Utah has a relatively low unemployment rate (3%), this does not detract from the burden of criminal records when pursuing opportunities (Sudbury, 2021). Thus, there is hope that Utah will follow [Pennsylvania](#) in eliminating this stipulation (Sudbury, 2021; also, see [HB 440](#) for Pennsylvania's amendment). Lastly, Utah's Clean Slate law does not include a notification requirement, meaning that if individuals' records are expunged, the court will not directly notify them of the change. The lack of notification is due to unreliable court address data and the fear that sensitive information would arrive at the wrong address (Harkins, 2022). Further, data from expungement events throughout the state estimated that 65% of people with criminal records were unfamiliar with the legislation when it passed (Utah IDC, 2021).

Fortunately, public education efforts have increased to address the knowledge gap. Organizations like Code for America, Clean Slate Utah, and Rasa Legal have been instrumental in keeping the public informed about the law's implementation. Clean Slate Utah's website offers numerous resources about the Clean Slate law, including a [mailing list](#) for updates via email or text. Rasa Legal has hosted free webinars and events like the [Clean Slate Summit](#) to raise awareness about Utah's Clean Slate law and other expungement options. Rasa Legal has also created an [online tool](#) where individuals can check their records and verify eligibility criteria for a one-time fee of \$15 or for free if they are below the federal poverty line (Miller, 2022). Additionally, individuals can now verify if their records have been automatically expunged. The BCI offers an [application process](#) where individuals can submit their fingerprints and a \$15 fee to

receive a letter detailing the offenses expunged from their records. Individuals can also use the Utah State Courts [MyCase system](#) to track their expungement status. These initiatives are expected to significantly enhance the impact of Utah's Clean Slate law as implementation becomes more established.

Implementation of the Clean Slate Law To Date

Though Utah's Clean Slate law was enacted on May 1, 2020, the COVID-19 pandemic delayed implementation efforts. Noella Sudbury, an attorney who founded Clean Slate Utah and is the CEO of Rasa Legal, described this obstacle in detail:

People ask me all the time how implementation is going. It hasn't always been easy. For starters, we weren't expecting a global pandemic to hit us in the middle of our implementation period. As in other places, COVID-19 slammed the court system, slashed budgets, and overwhelmed a technology team that was faced with the challenge of turning a largely in-person process into a virtual one. In the midst of this crisis, it's sometimes been hard to keep Clean Slate a priority. (Sudbury, 2021, para. 18)

After the pandemic subsided, Utah's Clean Slate law officially began on February 10, 2022. To ensure the law's immediate uptake, the Utah Administrative Office of the Courts utilized Code for America's algorithmic technology to identify 500,000 people eligible for record clearance under the law (Code for America, 2022; Utah Courts, 2022). However, the rollout of automatic expungement was slower than anticipated. The courts initially focused on clearing records of cases that had been dismissed or acquitted to test the new technology before addressing older and more complex cases to avoid errors. There were 218,000 records linked to over 800,000 cases that ended in dismissal or acquittal, but these could not be expunged all at once and required several months to complete (Utah Courts, 2022)

Since the law's implementation, the demand for expungement has been overwhelming. In the first year alone, Utah's state court system received over 216,000 records for expungement, processing about 60,000 of them, while more than 100,000 required manual intervention

(Booker, 2023). On average, 7,000 records entered the system each month. This high demand, combined with data integrity issues, created a backlog of Clean Slate expungement orders.

Eleven interviews our research team conducted with community and local/state government agency representatives between June 2022 and September 2023 provide insights into the backlog. Captain Greg Willmore and Nicole Borgeson from Utah's Bureau of Criminal Identification (BCI) explained that Utah's court records are case-based rather than person-based, making it challenging to link cases to individuals to verify eligibility for automatic expungement (Sudbury, 2021). This issue is compounded by missing or incorrect information and duplicate names or aliases in the system. When such discrepancies occur, BCI must manually research cases, checking both state and FBI records to ensure accurate expungement. The lack of a centralized, person-based system leads to difficulties in matching and expunging records.

Additionally, inaccuracies in the code for automated expungement are common, resulting in only 14-15% of criminal records being processed automatically, according to Borgeson. Since 2022, the Utah Administrative Office of the Courts has sent over 450,000 records to Utah's BCI to be verified and considered for expungement (Miller, 2024). However, in September 2023, Willmore revealed that BCI had fully cleared only 30% of these orders and estimated it would take four years to clear the current backlog. These challenges are further exacerbated by limited funding and personnel. The COVID-19 pandemic specifically reduced the number of staff available to process records. Thus, the Department of Public Safety recently requested additional funding from the Utah Legislature to hire more staff to address the backlog and process records efficiently (Booker, 2023).

Due to the backlog, [HB 352](#), sponsored by Republican Representatives [Karianne Lisonbee](#) and Michael S. Kennedy, was signed into law on March 13, 2024. This bill suspends

the processing of new cases for automatic expungement for eighteen months, allowing BCI to address the existing cases in the verification queue (Rasa Legal, 2024a). Additionally, the bill mandates the formation of a workgroup led by the Utah Commission on Criminal and Juvenile Justice to assess implementation challenges and recommend improvements to the Utah Legislature. Individuals in the verification queue who wish to bypass [the pause from October 2024 to January 2026](#) can fill out [this form](#) to request court clearance of their records (Rasa Legal, 2024a; Utah BCI, 2025b). However, choosing this option means that the expungement process would no longer be automatic for those individuals.

Clean Slate Utah and Rasa Legal already have some suggestions for improving implementation, including prioritizing the expungement of records for individuals no longer incarcerated or under community supervision, as BCI has often deprioritized these cases (Miller, 2024). Those in our study also suggest simplifying the law's eligibility criteria and fostering better collaboration among law enforcement, prosecutors, and legal aid to mitigate the challenges BCI faces in navigating multiple systems for expungement verification.

Ultimately, Utah's Clean Slate law represents a significant advancement in criminal justice reform by automating the expungement process. Despite the challenges and areas for improvement, the law has already positively impacted many lives. For instance, individuals receiving relief are projected to be 60% more likely to obtain employment and experience higher earnings (Harkins, 2022). Community representatives in our study noted that the law could benefit even more people if some felonies were made eligible and waiting periods for expungement were reduced or eliminated, as many people are ineligible due to recent charges. Hopefully, these and other recommendations will be considered during the temporary pause to create broader, more equitable, and more efficient access to expungement relief.

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