

IRON COUNTY JUSTICE COURT
82 NORTH 100 EAST, SUITE 101, CEDAR CITY, UT 84720
PHONE: 435-865-5335 / EMAIL: jcironcounty@utcourts.gov

EXPUNGEMENT PACKET: INSTRUCTIONS & 2 FORMS

The statutory authority governing expungement is 77-40a-305 to 405 of the Utah Code of Criminal Procedure.

STEPS TO OBTAIN EXPUNGEMENT

1. Obtain Certification of Eligibility (Certificate Number) from BCI:

Contact the Department of Public Safety Bureau of Criminal Identification (BCI) by phone at **801-965-4445** or at bci.utah.gov/expungement to get an Application for Certificate of Eligibility (Certificate Number) and follow their instructions.

2. Fill out Expungment forms

Every expungment packet will need a Certificate of Eligibility, Petition and Order.

Form 1: [Petition to Expunge Records with Certificate of Eligibility](#)

Form 2: [Order on Petition to Expunge Records with Certificate of Eligibility](#)

3. Mail, email, or hand-deliver the following forms to the Iron County Justice Court:

- a. Your Certificate of Eligibility (Certificate Number) from BCI. The Certificate number is to be listed on the Petition & Order when you file, the Court does not need the Certificate/Certificate List.
- b. Forms 1 and 2 from section 2 above (Applicable Petition & Order to Expunge)
- c. \$135.00 payment to Court + one free Certified Copy
Additional Certified Copies can be purchased for \$4.50 each. Once case is expunged, the Court will not be able to provide additional copies. Therefore, determine your needs and communicate to the Court at time of filing.
- d. If sent by mail, include your email address and phone number to send you a receipt of payment. If hand-delivered to the Court, you will be given court filed copies of these forms and a receipt of payment.

VICTIM STATUS: The Court will notify the appropriate prosecutor of the filing of Petition to Expunge a record. The prosecutor will review Petition to Expunge and determine if there is a victim. If there is a victim, the prosecutor will notify the victim that you have petitioned to expunge the case. The prosecutor and victim, if applicable, have 60 days from when the prosecutor receives your petition to submit any objections or recommendations in writing to the Iron County Justice Court.

If the Court receives any written objection(s) within the 60 days, an Expungement Petition Review date will be set and notice will be sent to the prosecutor, any victim(s), and to you (Petitioner/Defendant). This is the chance for all parties to orally present their comments and/or arguments regarding expungement petition.

If there are no objections filed within the 60 days, the prosecutor will sign a **Consent and Waiver of Hearing – Expungement & Acceptance of Service – Expungement (Prosecutor)**. On the same form, the prosecutor will mark a box under Victim Status indicating whether there is no Victim, or whether there is a victim who was notified and has no objections. Prosecutor will submit this form to the Court.

If no objection(s) are received and no Consent and Waiver of Hearing-Expungement (Prosecutor) document is received within 60 days from the date the Court received the original Petition, the clerk will present your original Petition w/ Certificate Number (proof of eligibility) to the Justice Court Judge without further hearing or opportunity to object. Judge will review and, if appropriate, sign the Order on Petition to Expunge Records with Certificate of Eligibility (Certificate Number).

Prosecutor’s Information:

Cedar City Attorney, 10 N Main Street, Cedar City, UT 84720, 435-586-2953

Iron County Attorney, 82 North 100 East, Suite 201, Cedar City, UT 84720, 435-865-5310

- 4. When the Order for Expungement is signed by the Court,** you will receive one free copy of the Expungement Order and any additional copies you have requested and purchased. Please let the Court know if we are to mail you copies, or if you will be picking it up from the Court in person.

Your original Petition and Order for Expungement becomes the property of the Court and are added to the case filing prior to the expungement of your record in the Iron County Justice Court. BCI will notify any applicable agencies of the Expungement Order, you no longer need to do this. *HOWEVER, some agencies are not required to expunge in the first year, and will review for expungement if they receive a request for the record. Purchasing additional copies is a good idea for this reason.* The Court will notify the appropriate prosecution once the Expungement Order is signed by the Judge and case is expunged.

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am the Petitioner
 Attorney for the Petitioner and my Utah Bar number is _____

In the Justice Court of Utah
Fifth Judicial District, Iron County
Court Address: 82 N 100 E, Suite 101, Cedar City, UT 84720

<p>In Re:</p> <p>_____ Petitioner</p>	<p>Petition to Expunge Records with Certificate of Eligibility (Utah Code 77-40a-305(1)(a))</p> <p>_____ Case Number</p> <p>_____ Judge</p>
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1. I received a certificate of eligibility from BCI. The identification number for my certificate of eligibility is _____.
2. Expunging my records will not harm the interests of the public because:

3. I ask the court to order expungement of all records related to this matter and order state, county and local government agencies to expunge related records in their possession or control.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the Justice Court of Utah
Fifth Judicial District, Iron County
Court Address: 82 N 100 E, Suite 101, Cedar City, UT 84720

<p>In Re:</p> <p>_____</p> <p>Petitioner</p>	<p style="text-align: center;">Order on Petition to Expunge Records with Certificate of Eligibility</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p>
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The matter before the court is a Petition to Expunge Records. This matter is being resolved by:

- The pleadings and other papers of the parties, or
- A hearing held on _____ (date), notice of which was served on all parties and at which the court considered the pleadings and evidence presented by the parties.

Having considered the documents filed with the court, the evidence, and the arguments, and now being fully informed,

The Court Finds by Clear and Convincing Evidence that:

1. The petition and certificate of eligibility are sufficient.
2. The statutory requirements have been met.

3. Expunging the petitioner's records will not harm the interests of the public.
4. The court also finds that: (choose any that apply)
- the expungement petition is for a case that was dismissed without prejudice or without condition. The prosecutor has consented to the expungement, and the prosecutor has indicated that they have not filed and do not intend to file related charges.
- the court received an objection. The expungement petition is for a charge dismissed because of a plea in abeyance agreement, and the charge is eligible for enhancement, but there is good cause for the court to grant the expungement.

The Court Concludes:

5. The records of petitioner's arrest, investigation, and detention relating to: (choose one)
- the following incidents: _____; (law enforcement agency file number) of _____ (law enforcement agency name) should be expunged.
- case number: _____ should be expunged.

The Court Orders:

6. The records of petitioner's arrest, investigation, detention relating to:
- the following incidents: _____; (law enforcement agency file number) of _____ (law enforcement agency name) will be expunged.
- case number: _____ will be expunged.
- Petitioner may deliver a copy of this order to any government agency or official that may have such records.
 - The Bureau of Criminal Identification must notify all criminal justice agencies affected by this order.

- The clerk of the court must expunge all related court records as provided by Rule 4-205.
- Any other government agency or official receiving this order must expunge related records as provided by Utah Code, Title 77, Chapter 40a, Part 4.
- Any government agency or official receiving this order may not divulge information identifying the petitioner.
- Any government agency or official receiving this order must respond to any inquiry as though the arrest or conviction did not occur.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge
