

**IRON COUNTY JUSTICE COURT**  
**82 NORTH 100 EAST #101, CEDAR CITY, UT 84720**  
**PHONE: 435-865-5335/FAX: 435-865-5349**

**EXPUNGEMENT PACKET: INSTRUCTIONS AND 3 FORMS**

The statutory authority governing expungement is 77-40-101 to 113 of the Utah Code of Criminal Procedure.

**STEPS TO OBTAIN EXPUNGEMENT**

**1. Obtain Certificate of Eligibility from BCI:**

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

**2. Obtain Expungement Packet and copy of court docket from the proper court. Fill out 3 forms in expungement packet:**

Form 1: **Petition** for Expungement and Sealing of Record (Sign Petition before a notary);

Form 2: **Prosecutor's Receipt, Review, Consent and Waiver of Hearing/Victim Status** (Just complete the top portion of this form, i.e., name, address, phone, case number)

Form 3: **Order** for Expungement and Sealing of Record. (Just complete the top portion of this form, i.e., name, address, phone, case number)

 **YOU MUST FIRST FILE YOUR PETITION WITH THE COURT AS OUTLINED IN INSTRUCTION 3 BELOW AND THEN WITH A PROSECUTOR AS OUTLINED IN INSTRUCTION 4 BELOW:** 

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

- a. Forms 1, 2 and 3 from packet—The Petition, Prosecutor's Receipt and Order;
- b. Your Certificate of Eligibility from BCI,
- c. \$162 payment (includes \$135 expungement fee plus costs for six certified copies \$27.00), Should you require more copies, please notify the Court at this time. You will be charged \$4.50 for each additional certified copy.
- d. If sent by mail, include your email address and phone number to send you a receipt of payment. If hand-delivered to court, you will be given court filed copies of these forms and a receipt of payment.

**4. Mail or hand-deliver the following forms to the appropriate prosecutor shown below:**

- a. Copy of Petition for Expungement and Sealing of Record; (Form 1)
- b. Copy of Certificate of Eligibility from BCI; (Your certificate from BCI)
- c. Copy of receipt for payment of Expungement fee (as proof to prosecutor that petition has been filed with the Court);
- d. Prosecutor's Receipt, Review, Consent and Waiver of Hearing (Form 2)

**Prosecutor's Information**

Cedar City Attorney, 10 N. Main Street, Cedar City, UT 84720

Iron County Attorney, 82 North 100 East, Suite 201, Cedar City, UT 84720

**VICTIM STATUS:** Prosecutor will review Petition for Expungement 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 30 days from when the prosecutor receives your petition to submit any objections or recommendations in writing to the proper Justice Court.

If the Court receives any written objections within the 30 days, an Expungement Petition Review date will be set and notice will be sent to the prosecutor, to 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 30 days, the prosecutor will sign Prosecutor's Consent and Waiver of Hearing/Victim Status. On the same form, 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 form to the Court.

If no objections are received and no Prosecutor's Consent and Waiver of Hearing is received within 60 days from Court having received the original Petition, the clerk will present your original Petition and Certificate of Eligibility to the Justice Court Judge without further hearing or opportunity to object. Judge will review and, if appropriate, sign Order for Expungement of Record.

**5. When the Order for Expungement is signed by the Court,** 6 certified copies of the Order for Expungement and Sealing of Record and copies of BCI's Certificate of Eligibility are prepared for you to distribute to concerned parties. It is your responsibility to mail or hand-deliver the certified copies to the agencies and parties concerned with your case.

Your original Petition and Order for Expungement become the property of the Court and are added to the case file prior to the sealing of your record in Iron County Justice Court. It is not necessary to send one of your certified copies back to the Court, as your case has already been expunged from our system.

\* \* \* \* \*

To expunge means to omit, erase, or obliterate. Once expunged, the matter will be treated as if the record never existed. You may respond to any inquiry as though the incident did not occur.

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Petitioner/Defendant \_\_\_\_\_ )  
Name: \_\_\_\_\_ )  
Address: \_\_\_\_\_ )  
\_\_\_\_\_) )  
Phone No. \_\_\_\_\_ )  
Date of Birth: \_\_\_\_\_ )

**PETITION FOR EXPUNGEMENT  
AND SEALING OF RECORD**

Case No. \_\_\_\_\_

Citation/Information No. \_\_\_\_\_

**PETITION**

Petitioner, pursuant to U.C.A. 77-40-107, as amended, hereby petitions this Court for an order of expungement and sealing for any and all records relating to the following offense(s) arising out of the same criminal episode:

- Ct 1 \_\_\_\_\_ an  Infraction or a Class  B  C Misdemeanor,  
Ct 2 \_\_\_\_\_ an  Infraction or a Class  B  C Misdemeanor,  
Ct 3 \_\_\_\_\_ an  Infraction or a Class  B  C Misdemeanor.

IN SUPPORT OF SAID PETITION, THE PETITIONER AVOWS THAT:

1. Petitioner was  cited  arrested/detained on \_\_\_\_\_ (date) by \_\_\_\_\_ (law enforcement agency) and/or charges were filed in this court on \_\_\_\_\_ (date) under the above case number.
2. The offense(s) cited is not a capital, first-degree or violent felony as defined in U.C.A 76-3-203.5(1)(c)(i); an automobile homicide felony violation of Subsection 41-6a-501(2); a registerable sex offense as defined in Subsection 77-27-21.5(1)(n);
3. No proceeding involving a crime is pending or being investigated in any jurisdiction against petitioner;
4. The petitioner has not had any previous felony criminal record expunged;
5. A CERTIFICATE OF ELIGIBILITY from the Bureau of Criminal Identification (BCI) is attached to this petition and indicates that petitioner has no record of expungement with BCI;
6. The appropriate time period has elapsed (check one/both of the following):  TO EXPUNGE ARREST DETENTION RECORDS: Petitioner was arrested with/without a warrant and 30 days has passed with no intervening arrests, and one of the following occurred: court charges were not filed; proceedings were dismissed with prejudice, petitioner was discharged without a conviction and no charges were refiled against petitioner within 30 days; same was acquitted at trial; or the record of any proceeding against petitioner has been sealed.  TO EXPUNGE COURT RECORDS: The following time has elapsed after release from incarceration, parole or probation, whichever occurred last, after petitioner was convicted of a criminal offense: 7 years if a felony; 5 years if a Class A Misdemeanor; 10 years if an alcohol-related traffic offense under Title 41; 4 years if a Class B misdemeanor; or 3 years if any other misdemeanor or infraction..
7. No proceeding involving a crime is pending against the petitioner;
8. The fee to process the expungement order, if required, has been paid to the court or an Affidavit of Impecuniosity has been filed with the court; and
9. A copy of the petition and the attached certificate will be served upon the prosecuting attorney for this jurisdiction.

Under penalty of perjury, I avow the above statements to be true.

DATED: \_\_\_\_\_  
\_\_\_\_\_  
Petitioner/Counsel for Petitioner

STATE OF \_\_\_\_\_) ss.  
COUNTY OF \_\_\_\_\_)

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public residing at \_\_\_\_\_

**IRON COUNTY JUSTICE COURT**  
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**PHONE: 435-865-5335/FAX: 435-865-5349**

Petitioner/Defendant:

Name: \_\_\_\_\_ )

\_\_\_\_\_ )

Address: \_\_\_\_\_ )

\_\_\_\_\_ )

Date of Birth: \_\_\_\_\_ )

)

**PROSECUTOR'S RECEIPT  
REVIEW, CONSENT AND  
WAIVER OF HEARING/  
VICTIM STATUS**

Case No. \_\_\_\_\_

I hereby acknowledge receipt of Petitioner's Petition for Expungement and Sealing of Records. I certify that I reviewed the Petition and waive the right to object to said Petition.

I hereby consent to the court entering a Certificate of Compliance and Order of Expungement and Sealing as requested without further hearing.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Prosecutor

**VICTIM STATUS**

Prosecutor will review case and check one of the following boxes:

- After review of the case, Prosecutor deems there is no victim involved in this case.
- Prosecutor has identified a victim or victims in the above-mentioned case and has notified him/her/them as to the Petition for Expungement filed by the defendant (petitioner). Victim(s) were notified that they must file objections in writing to the court (and to prosecutor) within 30 days of when prosecutor date-stamps receipt of the Prosecutor's Receipt, Review, Consent and Waiver of Hearing (Form 2) along with copies of Petition and Certificate of Eligibility.

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Petitioner/Defendant: \_\_\_\_\_ ) **ORDER FOR EXPUNGEMENT AND**  
Name: \_\_\_\_\_ ) **SEALING OF RECORD**  
Address: \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No. \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ ) Citation/Information No. \_\_\_\_\_

Pursuant to Utah Code Annotated Section 77-40-107 and 108, the Court hereby makes the following findings and certifies as follows:

1. That petitioner was [ ] cited [ ] arrested/detained on \_\_\_\_\_ (date)  
By: \_\_\_\_\_ (law enforcement agency) and/or charges were filed in this court on  
\_\_\_\_\_ (date) under the above case number;

2. That petitioner has petitioned the court for an order of expungement and sealing; and

3. That petitioner has complied with all statutory requirements for expungement in this case and the Court is satisfied that there are no reasonable objections to Petitioner's petition.

Accordingly, it is HEREBY ORDERED:

1. That all records in petitioner's case in the custody of this court, any other court, or any state, county or local entity, agency or official shall be EXPUNGED AND SEALED pursuant to Utah Code Annotated Section 77-40-107 and 108.

2. That petitioner shall distribute this order to all affected agencies and officials including this Court, the arresting agency, the booking agency, the prosecutor's office, the Utah Bureau of Criminal Identification, and all interested courts; and

3. That the Utah Bureau of Criminal Identification shall forward a copy of this expungement order to the Federal Bureau of Investigation if information regarding this offense was previously provided to that agency.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
Justice Court Judge