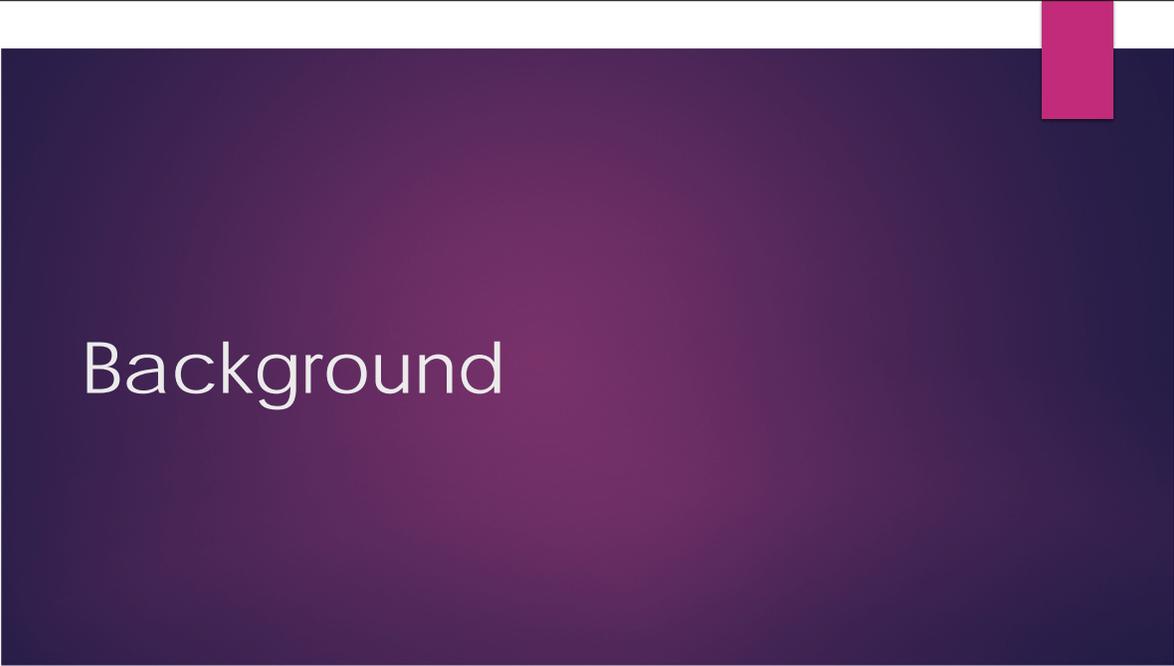




Clean Slate Utah

Working to raise awareness of Utah's Clean Slate law and help low-income people clear their records and access opportunity.

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Background

The Problem

- ▶ There are **800,000 Utahns** living with some type of criminal record.
- ▶ Having a criminal record makes it difficult to obtain housing, jobs, loans, and other opportunities.
- ▶ Criminal records are **digital and permanent** unless someone goes through the legal expungement process.



This is Destiny and her daughter Brooklyn. Destiny is one of over 800,000 Utahns living with a criminal record.

Who is eligible to expunge?

SPOILER: It's governed by Utah's Expungement Act, and it's super complicated.

You are NOT eligible for an expungement under Utah law if you have:

- ▶ Open or pending criminal cases
- ▶ 2 or more felony convictions stemming from separate criminal episodes
- ▶ 3 or more Class A misdemeanor convictions stemming from separate criminal episodes
- ▶ 4 or more Class B misdemeanor convictions stemming from separate criminal episodes
- ▶ 5 or more total convictions (excluding infractions or minor regulatory offenses)
- ▶ Outstanding fines, fees, or restitution
- ▶ A capital felony, first degree felony, other violent felony, or sex offense

In addition: Different rules apply for drug-related offenses, or if it has been 10 years, and waiting periods apply to all offenses, which can range 3-10 years and are calculated by looking at a collection of dates that live in different data systems.

What's the process?

SPOILER: it's costly, time consuming, and difficult for self-represented people.

- ▶ Step 1: apply for an expungement with Department of Public Safety (DPS) (application cost = \$65)
- ▶ Step 2: wait 4-6 months for an answer.
- ▶ Step 3: obtain from DPS certificates for each conviction you want to expunge (cost = \$65 each)
- ▶ Step 4: hire a lawyer or prepare your own paperwork for each conviction you seek to expunge (will cost around \$2-3K). Do it within 90 days or your certificates expire and you have to start over.
- ▶ Step 5: file paperwork (about 7 pleadings) in every court in which you have a conviction and pay a \$150 filing fee per court.
- ▶ Step 6: serve the prosecutor in every jurisdiction in which you have a conviction with notice of your expungement petition and wait for a response
- ▶ Step 7: wait for the court to schedule a hearing or grant your expungement order
- ▶ Step 8: pick up a physical copy of the order and deliver it to a number of government agencies to ensure your record is expunged

Access Barriers

- ▶ Cost
 - Fees for expungement include \$65 for application, \$65 per conviction, and \$150 filing fee per court petition (statutory fees non-waivable and this does not include cost of hiring an attorney)
- ▶ Time
 - Average time to complete the process is 6-12 months
- ▶ Complexity
 - Hard to determine eligibility
 - Multiple steps with no centralized filing process

Utah's Clean Slate Law

Utah's Clean Slate Law



- ▶ In March 2019, Utah became the **second state in the nation** to automate the criminal record expungement process for most misdemeanor offenses.
- ▶ **Beginning in March 2022**, Utah government agencies will use technology to provide relief to thousands of individuals with criminal records.
 - Shifts the process burden from the individual to the government
 - Automatically clears misdemeanor A drug possession, most misdemeanor B and C offenses, and all infractions.
 - Individuals must meet petition-based expungement requirements and be conviction free for at least 5 years.
 - Estimated impact: more than **200,000 people**

What's the Catch?

- ▶ Utah's Clean Slate law is a huge step forward, but there are two outstanding issues to address: (1) **notification**; and (2) **records that do not qualify for automatic clearance**.
- ▶ Utah's Clean Slate law has **no direct notification requirement**, so we must work together to spread the word about the new legislation. If no one knows about the law, we will have no impact.
- ▶ Utah's Clean Slate law **applies only to certain misdemeanor offenses**, so individuals with felony records or misdemeanors that don't qualify for automatic record clearance must go through the petition-based expungement process to obtain full-record clearance.
- ▶ Clean Slate Utah was formed to help address these issues.

Clean Slate Utah

Goals of Clean Slate Utah

- ▶ Utah's Clean Slate law is **fully implemented** and eligible records are automatically cleared;
- ▶ Individuals with records **are aware of the law** and its impact on their lives
- ▶ Eligible individuals **take advantage of the law** to access greater opportunities;
- ▶ The **voices of directly impacted people are elevated** to put a human face on the importance of this issue.



What Clean Slate Utah is Doing

- ▶ Meeting regularly as a **diverse coalition of community-based organizations and directly impacted people** to shape our campaign together.
- ▶ Preparing to launch a multi-faceted **public education** campaign to make people aware of Utah's Clean Slate law
- ▶ **Raising money** to cover the cost of non-waivable fees for individuals who are below 200% of the FPL
- ▶ Providing **peer navigation support** to self-represented people and serving as a **resource hub** for community partners.
- ▶ **Telling the stories** of people with records.



How do I know if my record was automatically cleared?

- ▶ Automatic record clearing will not begin until March 2022.
- ▶ Clean Slate Utah will **post a schedule** on our [website](#) and share regular updates on social media, so everyone knows what phase of record clearing is occurring.
- ▶ Clean Slate Utah is working with a public benefit software company to develop a **mobile app** that will help people determine what is on their record, what is eligible for expungement, what may be eligible for expungement in the future, and whether any records were automatically cleared under Utah's Clean Slate law.
- ▶ The app will be **free to use** for everyone who is **200% of the FPL or below**.
- ▶ To help cover our development costs, the app will cost **\$15 for everyone else**.
- ▶ The mobile app will be available when automatic record clearing begins and will be the easiest way for individuals to determine their legal expungement rights.

How Can I Help?

- ▶ **Donate.** Clean Slate Utah is a new non-profit and every dollar counts. Please support us by donating [here](#).
- ▶ **Spread the Word.** We need everyone to help us spread the word about this legislation. Follow us on Facebook, share our updates, join our coalition, and go to our website to sign up for our mailing list.
- ▶ **Support Expungement Policy Efforts.** There are a handful of great expungement bills being run in 2022. Join our mailing list to learn more and be sure to support these efforts.
- ▶ **Share Your Story.** We are always looking for people with records to share their stories to help people understand the barriers of a criminal record and the benefits of record clearance. Please reach out to us!



Questions?

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Clean Slate Video: <https://vimeo.com/390023868>

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MEDIA LINKS

Clean Slate's work has been featured in both local and national media outlets. To learn more, click on the following links:

[Clean Slate Laws Could Soften the Labor Crisis](#) (NPR's Marketplace, 2021)

[How Some States are Working to Make Your Rap Sheet Disappear](#) (Deseret News, 2021)

[Utah Can Help Lead the Nation in Helping Average People Navigate the Legal System](#) (Salt Lake Tribune, 2020)

[Utah Lawmaker Proposes Clean Slate to Automatically Wipe Away Non-Violent Records](#) (Deseret News, March 2019)

[Salt Lake County's First Expungement Day Helps Dozens Clear Their Criminal Records](#) (Deseret News, 2018)