

CRIMINAL RECORD RELIEF FOR TRAFFICKING SURVIVORS

Utah



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Utah, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Utah is silent on whether a hearing is required, potentially allowing for a petition for relief to be granted without a hearing. However, this language is not specific, meaning a hearing may be required. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

Burden of Proof:

The current burden of proof in Utah is a "preponderance of the evidence," which aligns with the level of proof survivors typically are able to use to establish their victimization.

NEEDS IMPROVEMENT:

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Utah is inadequate because relief only applies to certain low-level offenses like prostitution, theft, trespassing, forgery, and others- yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Utah would expand the statute to include all offenses so more survivors are eligible for relief.

Time Limitations and Wait Times:

Utah provides leniency regarding time limits by allowing survivors to apply in a "reasonable time" after their trafficking has ended. This should be changed to impose no time limit for survivors eliminating any confusion on when a survivor should, or has to, apply for relief.

Arrests and Adjudication Relief:

Relief in Utah only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.



Statute: [UT ST § 78B-9-104\(1\)\(g\)](#)