



Expungement Changed This Woman's Life. Why She Says Changes to Utah Bill Are 'Unfortunate'

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Destiny Garcia's whole life changed when she had her record expunged.

"I paid over \$3,000 for my expungement," Garcia, executive director of [Clean Slate Utah](#), told the Deseret News in a phone interview. "At the time, I was fortunate enough to get a job at the county mayor's office and I was making over what the federal poverty lines were. But I wasn't making enough to have money in my savings."

"I was rebuilding my life from homelessness," Garcia said.

With her record expunged, Garcia said she's experienced career success and is now a homeowner. "I transitioned off of all government benefits. I am now a homeowner. I went from homelessness to homeownership. I now give back to charities. My kid's future today looks so different than what my adult kids' future looks like."

Garcia is personally aware of the barriers that come with having a criminal record. "I know what it's like to get turned down from apartment, to job after job after job and not be able to get back on my feet for a long period of time because of it," she said.

That's why Garcia described the changes made on Wednesday evening to [SB163](#), a bill that revised requirements for expungement fee waivers, "unfortunate."

The bill was "watered down" Garcia said, explaining that now in order for a family of three to qualify for the fee waiver, they'd have to have a household income of around \$38,000 or less.

"That's \$17 an hour. With the cost of living and just everyday necessities, people cannot afford that," Garcia said. "They cannot afford extra \$1000 on top of that."

The original text of the bill stated that an individual could qualify for the fee waiver if their income was at or below 150% of the [U.S. poverty line](#). That was already law. The original bill also stated that an individual receiving services from a nonprofit organization or a public benefit corporation catered to low-income individuals would receive a fee waiver.

The substitute bill now [states](#) the requirement as "if the individual has a household size of one, two, or three, the individual has an income level at or below 150% of the United States poverty level for a household size of three."

Rep. Tyler Clancy, R-Provo, the bill's floor sponsor, told the Deseret News that the resulting changes were "the nature of compromise where we make incremental steps to help people."

The bill still increases the threshold for people to obtain free, no cost expungement, which Clancy said he is excited about. It also makes other changes like ensuring "there's a 35-day period where if a prosecutor is going to object, they'd had to do it in a certain window, so they don't keep people waiting in limbo for a long time," he said.

Clancy said the bill is about helping people who have made significant changes in their lives. "I can tell you as someone who, both in my job as a law enforcement officer, but then also too, just as a human being who has friends who have made some harder choices in life, that's incredibly hard to make those changes," he said.

In 2025, Clancy is hoping they can make progress on expungement and helping individuals who have criminal records. He said he's aware that criminal history makes it difficult for people to obtain gainful employment and that after expungement, wages go up.

According to the [Cato Institute](#), average quarterly wages increase by 23% a year after expungement.

"This is not about a free pass for anyone," Clancy said. "It's not about looking the other way. This is really about people who have tried dramatically hard."

Noella Sudbury, the former director of the Salt Lake County Criminal Justice Advisory Council who led the effort to pass a clean slate law in Utah, told the Deseret News the bill "falls short of the progress that we would need to see to really move the needle on this issue."

Costs to get records expunged can add up. "It's \$65 just to apply and that applies to everyone," Sudbury said. "And then it's an additional \$215 per case." The average cost Sudbury sees her clients at her firm [Rasa Legal](#) incur for expungement is \$710. She said if people want to know how the law would impact them, they can reach out to her through her firm.

"If you're, for instance, a single parent, you have kids, we know how high rent is, right? You're trying to feed your kids, you're trying to rebuild your life. A lot of times that involves paying other fees to get your driver's license back, bus fares, car payments, day care expenses," Sudbury, noting that it can be a big financial burden for families.

Both Sudbury and Garcia said sometimes people in difficult situations have to choose between expungement and rent. "That's just an impossible choice for a low-income family who is struggling," Sudbury said. "And so what that means is probably that person is going to choose to pay the rent, not expunge their record and then, they're not going to be able to access the many opportunities that would be available if they were able to move forward with their expungement."

Garcia spoke from her own experience about how hard it was to pay for necessary expenses like baby formula and rent while also trying to pay fees.

“I am only record free today because my colleagues did a fund for the money. I couldn’t even afford it,” Garcia said. “And I was working at government jobs in the county mayor’s office.”

It’s not just finances, employment and housing that having a criminal history impacts, it also touches family life.

A parent having a criminal history can impact children. “The economic barriers associated with a parent’s record function as what child development experts call an ‘adverse childhood experience,’ jeopardizing children’s cognitive development, school performance, educational attainment and even their earnings and employment in adulthood,” Rebecca Vallas, Sharon Dietrich and Beth Avery wrote for the Center of American Progress.

Garcia said a criminal record can inhibit a parent from volunteering at their kids’ school. She encounters people in these situations in her work.

“They’ve been crime-free for 10 years. They’re starting a new family because this record happened in their 20s. And they can’t volunteer at their kid’s school,” Garcia said. “They can’t be involved and be the mother or parent they want to be.”