

Sec. 2. Section 123.47, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Upon the expiration of two years following conviction for a violation of subsection 2 or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of subsection 2, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety. An expunged conviction shall not be considered a prior offense for purposes of enhancement under subsection 3 or under a local ordinance unless the new violation occurred prior to entry of the order of expungement.

Approved March 19, 2010

CHAPTER 1072

ASSAULT CAUSING SERIOUS INJURY

H.F. 2372

AN ACT relating to an assault causing serious injury.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 702.11, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Assault in violation of section 708.2, subsection 4.

Sec. 2. Section 708.2, subsection 4, Code 2009, is amended to read as follows:

4. A person who commits an assault, as defined in section 708.1, and without the intent to inflict serious injury, but who causes serious injury, is guilty of a class "D" felony.

Approved March 19, 2010

CHAPTER 1073

SERIOUS INJURY — DEFINITION

H.F. 2374

AN ACT relating to the definition of serious injury for purposes of criminal offenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 235B.2, subsection 13, Code Supplement 2009, is amended to read as follows:

13. "*Serious injury*" means ~~a disabling mental illness, or a bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ~~ the same as defined in section 702.18.