

# House File 2235 - Introduced

HOUSE FILE \_\_\_\_\_  
BY R. OLSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to expunging the record of certain simple  
2 misdemeanor violations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5637YH 82  
5 jm/nh/8

PAG LIN

1 1 Section 1. Section 123.46, subsection 5, Code 2007, is  
1 2 amended by striking the subsection.  
1 3 Sec. 2. NEW SECTION. 901.11 SIMPLE MISDEMEANOR == RECORD  
1 4 EXPUNGED.  
1 5 Upon the expiration of two years following conviction of a  
1 6 simple misdemeanor offense, other than a simple misdemeanor  
1 7 conviction under chapter 321, the person may petition the  
1 8 court to exonerate the person of the simple misdemeanor  
1 9 conviction. If the person has had no other criminal  
1 10 convictions, other than simple misdemeanor convictions under  
1 11 chapter 321, the person shall be deemed exonerated of the  
1 12 offense as a matter of law. The court shall enter an order  
1 13 exonerating the person of the conviction, and order that the  
1 14 record of the conviction be expunged by the clerk of the  
1 15 district court.  
1 16 Sec. 3. Section 907.9, subsection 4, Code 2007, is amended  
1 17 to read as follows:  
1 18 4. At the expiration of the period of probation and if the  
1 19 fees imposed under sections 815.9 and 905.14 have been paid or  
1 20 on condition that unpaid supervision fees be paid, the court  
1 21 shall order the discharge of the person from probation, and  
1 22 the court shall forward to the governor a recommendation for  
1 23 or against restoration of citizenship rights to that person.  
1 24 A person who has been discharged from probation shall no  
1 25 longer be held to answer for the person's offense. Upon  
1 26 discharge from probation, if judgment has been deferred under  
1 27 section 907.3, the court's criminal record with reference to  
1 28 the deferred judgment shall be expunged. The record  
1 29 maintained by the state court administrator as required by  
1 30 section 907.4 shall not be expunged. The court's record shall  
1 31 not be expunged in any other circumstances unless authorized  
1 32 by law, or expunged pursuant to section 901.11.

1 33 EXPLANATION  
1 34 This bill relates to expunging the record of certain simple  
1 35 misdemeanor violations.  
2 1 The bill provides that after two years following the  
2 2 conviction of a person for a simple misdemeanor violation  
2 3 other than a simple misdemeanor violation of Code chapter 321,  
2 4 the person may petition the court to exonerate the person of  
2 5 the simple misdemeanor conviction. If the person has had no  
2 6 other criminal convictions, other than simple misdemeanor  
2 7 violations of Code chapter 321, the court shall enter an order  
2 8 exonerating the person of the conviction, and order the record  
2 9 of the conviction be expunged by the clerk of the district  
2 10 court.  
2 11 The bill strikes Code section 123.46(5), relating to  
2 12 expunging public intoxication convictions, in order to  
2 13 consolidate the provision in new Code section 901.11.  
2 14 LSB 5637YH 82  
2 15 jm/nh/8