

901C.2 Not-guilty verdicts and criminal-charge dismissals — expungement.

1. *a.* Except as provided in paragraph “*b*”, upon application of a defendant or a prosecutor in a criminal case, or upon the court’s own motion in a criminal case, the court shall enter an order expunging the record of such criminal case if the court finds that the defendant has established that all of the following have occurred, as applicable:

(1) The criminal case contains one or more criminal charges in which an acquittal was entered for all criminal charges, or in which all criminal charges were otherwise dismissed.

(2) All court costs, fees, and other financial obligations ordered by the court or assessed by the clerk of the district court have been paid.

(3) A minimum of one hundred eighty days have passed since entry of the judgment of acquittal or of the order dismissing the case relating to all criminal charges, unless the court finds good cause to waive this requirement for reasons including but not limited to the fact that the defendant was the victim of identity theft or mistaken identity.

(4) The case was not dismissed due to the defendant being found not guilty by reason of insanity.

(5) The defendant was not found incompetent to stand trial in the case.

b. The court shall not enter an order expunging the record of a criminal case under paragraph “*a*” unless all the parties in the case have had time to object on the grounds that one or more of the relevant conditions in paragraph “*a*” have not been established.

2. The record in a criminal case expunged under [this section](#) is a confidential record exempt from public access under [section 22.7](#) but shall be made available by the clerk of the district court, upon request and without court order, to the defendant or to an agency or person granted access to the deferred judgment docket under [section 907.4, subsection 2](#).

3. [This section](#) does not apply to dismissals related to a deferred judgment under [section 907.9](#).

4. [This section](#) applies to all public offenses, as defined under [section 692.1](#).

5. The court shall advise the defendant of the provisions of [this section](#) upon either the acquittal or the dismissal of all criminal charges in a case.

6. The supreme court may prescribe rules governing the procedures applicable to the expungement of the record of a criminal case under [this section](#).

7. [This section](#) shall apply to all relevant criminal cases that occurred prior to, on, or after January 1, 2016.

[2015 Acts, ch 83, §1, 2](#)

[C2016, §901C.1](#)

[2016 Acts, ch 1073, §182, 183, 188](#)

[C2017, §901C.2](#)

Section transferred from §901C.1 in Code 2017 pursuant to directive in 2016 Acts, ch 1073, §188

Subsection 1 stricken and former subsections 2 and 3 renumbered as 1 and 2

Subsections 4 – 7 amended and renumbered as 3 – 6

Former subsection 8 renumbered as 7