

## CHAPTER 901C

### EXPUNGEMENT OF CRIMINAL RECORDS

Referred to in §901.1, 901A.2

901C.1	Definition.	901C.3	Misdemeanor — expungement.
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#### 901C.1 Definition.

As used in [this chapter](#), unless the context otherwise requires, “*expunge*” and “*expungement*” mean the same as expunged in [section 907.1](#).

[2016 Acts, ch 1073, §184, 188](#)

Former §901C.1 transferred to [§901C.2](#); [2016 Acts, ch 1073, §188](#)

#### 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

#### 901C.3 Misdemeanor — expungement.

1. Upon application of a defendant convicted of a misdemeanor offense in the county where the conviction occurred, the court shall enter an order expunging the record of such a criminal case, as a matter of law, if the defendant has proven all of the following:

- a. More than eight years have passed since the date of the conviction.
  - b. The defendant has no pending criminal charges.
  - c. The defendant has not previously been granted two deferred judgments.
  - d. The defendant has paid all court costs, fees, fines, restitution, and any other financial obligations ordered by the court or assessed by the clerk of the district court.
2. The following misdemeanors shall not be expunged:
    - a. A conviction under [section 123.46](#).
    - b. A simple misdemeanor conviction under [section 123.47, subsection 3](#), or similar local ordinance.
    - c. A conviction under [section 321.218, 321A.32, or 321J.21](#).
    - d. A conviction under [section 321J.2](#).
    - e. A conviction for a sex offense as defined in [section 692A.101](#).
    - f. A conviction for involuntary manslaughter under [section 707.5](#).
    - g. A conviction for assault under [section 708.2, subsection 3](#).
    - h. A conviction under [section 708.2A](#).
    - i. A conviction for harassment under [section 708.7](#).
    - j. A conviction for stalking under [section 708.11](#).
    - k. A conviction for removal of an officer's communication or control device under [section 708.12](#).
    - l. A conviction for trespass under [section 716.8, subsection 3 or 4](#).
    - m. A conviction under [chapter 717C](#).
    - n. A conviction under [chapter 719](#).
    - o. A conviction under [chapter 720](#).
    - p. A conviction under [section 721.2](#).
    - q. A conviction under [section 721.10](#).
    - r. A conviction under [section 723.1](#).
    - s. A conviction under [chapter 724](#).
    - t. A conviction under [chapter 726](#).
    - u. A conviction under [chapter 728](#).
    - v. A conviction under [chapter 901A](#).
    - w. A conviction for a comparable offense listed in [49 C.F.R. §383.51\(b\)](#) (table 1) or [49 C.F.R. §383.51\(e\)](#) (table 4).
    - x. A conviction under prior law of an offense comparable to an offense enumerated in [this subsection](#).
3. A person shall be granted an expungement of a record under [this section](#) one time in the person's lifetime. However, the one application may request the expungement of records relating to more than one misdemeanor offense if the misdemeanor offenses arose from the same transaction or occurrence, and the application contains the misdemeanor offenses to be expunged.
  4. The expunged record 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 court order.
  5. Notwithstanding [section 692.2](#), after receipt of notice from the clerk of the district court that a record of conviction has been expunged under [subsection 1](#), the record of conviction shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.
  6. The supreme court may prescribe rules governing the procedures applicable to the expungement of a criminal case under [this section](#).
  7. [This section](#) applies to a misdemeanor conviction that occurred prior to, on, or after July 1, 2019.  
[2019 Acts, ch 140, §2; 2022 Acts, ch 1132, §16](#)