

House File 2397

H-8151

1 Amend House File 2397 as follows:

2 1. Page 1, after line 25 by inserting:

3 <Sec. ____ . NEW SECTION. **901C.3 Simple misdemeanor —**
4 **expungement.**

5 1. Upon application of a defendant convicted of a simple
6 misdemeanor, the court shall enter an order expunging the
7 record of such criminal case as a matter of law if the court
8 finds the defendant has established either of the following:

9 a. More than five years have passed since the date of the
10 conviction, the defendant has not been subsequently convicted
11 of or granted a deferred judgment for any criminal offense,
12 and the defendant is not currently charged with any criminal
13 offense.

14 b. More than ten years have passed since the date of the
15 conviction, the defendant has not been subsequently convicted
16 of or granted a deferred judgment for a felony offense, and the
17 defendant is not currently charged with any criminal offense.

18 2. This section shall not apply to a conviction that is a
19 conviction for a misdemeanor crime of domestic violence, or a
20 simple misdemeanor conviction entered under section 123.46,
21 123.47, subsection 3, or 708.2A, or chapter 321 or 321J.

22 3. An expungement entered under this section shall not
23 be considered an expungement for purposes of 18 U.S.C.
24 §921(a)(33)(B)(ii) or section 724.26, and shall not provide
25 relief from any state or federal firearm disability associated
26 with the expunged conviction.

27 4. Notwithstanding section 692.2, after receipt of
28 notice from the clerk of the district court that a record of
29 conviction has been expunged, the record of conviction shall be
30 removed from the criminal history data files maintained by the
31 department of public safety, if such a record is maintained in
32 the criminal history data files.>

33 2. Title page, lines 1 and 2, by striking <the admissibility
34 of evidence of an employee's> and inserting <a person>

35 3. Title page, line 2, by striking <in civil actions>

1 4. By renumbering as necessary.

WOLFE of Clinton