



[HF 831](#) – Class D Felony Convictions, Expungement (LSB1302HV)
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Fiscal Note Version – New

Description

[House File 831](#) relates to the expungement of convictions for certain nonviolent Class D felonies and to the definition of a conviction relating to the possession, receipt, and transportation of firearms, offense weapons, and ammunition. The Bill provides that for the purposes of Iowa Code section [724.26](#), a conviction does not include any offense which has been expunged or for which a person has been pardoned or has had the person's rights restored in accordance with Iowa Code section [724.27](#).

House File 831 provides that upon application of a defendant convicted of a nonviolent Class D felony offense filed in the county where the conviction occurred, the court must enter an order expunging the criminal record if the defendant meets the criteria outlined in the Bill. The Bill also lists the Class D felony convictions that are not eligible for expungement. Under the Bill, a person may be granted an expungement only one time in the person's lifetime, with certain exceptions. House File 831 applies to a nonviolent Class D felony conviction that occurred prior to, on, or after July 1, 2021.

Background

In CY 2010, there were 4,983 convictions for Class D felony offenses categorized in the Criminal and Juvenile Justice Planning Division (CJJP) conviction data as property, drug, public, other or unknown crime types.

Assumptions

- The annual number of convictions eligible for expungement after 10 years will remain consistent in future fiscal years.
- A substantial number of people with a felony conviction will seek expungement, but a substantial number will not meet the eligibility criteria specified in the Bill.
- An expungement will be sought for one-third of all Class D felony convictions 10 or more years after discharge of sentence. For each calendar year of convictions, there will be 1,644 expungement applications.
- The following court resources will be required for each application:
 - An average of 30 minutes of law clerk time to review each application and all supporting materials filed in the case at a cost of \$34.00 per hour.
 - An average of 20 minutes of judge and court reporter time for one or more hearings for each application at a cost of \$109.79 per hour and \$51.12 per hour, respectively.
 - An average of 10 minutes of judicial specialist time per case to review and approve filings and docket events in each case at a cost of \$34.71 per hour.

Fiscal Impact

House File 831 is estimated to increase costs to the Judicial Branch operating budget by \$126,000 annually beginning in FY 2022. In addition, it is possible that the number of applications for expungement filed in the first several years after enactment will be higher because the initial pool of potentially eligible convictions will be all convictions for which at least

10 years have passed since discharge of sentence. If this were to happen, the costs in terms of judicial officer and staff time would likely be higher than indicated in the estimate.

Source

Judicial Branch

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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