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[HF 2452](#) – Expunging Simple Misdemeanors (LSB5203HV)  
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Fiscal Note Version – New

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### **Description**

[House File 2452](#) relates to the expungement of a simple misdemeanor offense. The Bill provides that upon the application of a defendant convicted of a simple misdemeanor, the court shall enter an order expunging the record of such criminal case as a matter of law if the defendant has established any of the following:

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

After receipt of notice from the clerk of the district court that a record of conviction has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the Department of Public Safety (DPS) if such a record was maintained in the criminal history data files.

[House File 2452](#) applies to a simple misdemeanor conviction that occurs prior to, on, or after July 1, 2018. The Bill does not apply to a conviction for a misdemeanor crime of domestic violence or a simple misdemeanor conviction entered under Iowa Code section [123.46](#), [123.47\(3\)](#), or [708.2A](#), or chapter [321](#) or [321J](#).

### **Background**

Under Iowa Code section [907.1](#), “expunged” refers to the court’s criminal record with reference to a deferred judgment or any other criminal record that has been segregated in a secure area or database which is exempted from public access.

### **Assumptions**

- There are millions of simple misdemeanor convictions on the record, a substantial portion of which will become immediately subject to expungement under this Bill.
- Each year, approximately 500,000 additional simple misdemeanor charges are filed and disposed.
- The courts will receive 200,000 requests to expunge simple misdemeanors each year.
- DPS will receive 25,000 expungement notifications in the first year.
- Clerks’ staff will spend five minutes searching conviction and criminal history records and three minutes preparing an expungement order for each request.
- The average cost per hour for clerk of court staff is \$26.
- Judicial Magistrates will spend three minutes processing each expungement order.
- The hourly rate for a Judicial Magistrate is \$49.47.

### **Fiscal Impact**

[House File 2452](#) is estimated to have a negative fiscal impact on the Judicial Branch operating budget. The Bill will increase time spent by the clerk of court staff and Judicial Magistrates on processing expungement applications and orders. It is estimated that clerk staff will spend an additional 26,667 hours per year processing expungement requests, and Judicial Magistrates will spend an additional 10,000 hours per year on expungement orders. The estimated additional cost per year in clerk staff and Judicial Magistrate time is estimated to be approximately \$1.2 million.

The Bill may also have a fiscal impact on the DPS. It is estimated that 1,000 hours of staff time may be necessary to process the expungement orders. It is likely there will be a gradual increase in the number of applications received and the number of eligible individuals each year. The increased workload may eventually require up to 1.0 additional full-time equivalent (FTE) position. The DPS indicates it will likely need to study the increase in workload and readdress staffing needs after implementation. Any additional FTE positions will be paid from criminal history record check revenue.

### **Sources**

Judicial Branch  
Department of Public Safety

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/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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