

Senate File 385

AN ACT

RELATING TO THE EXPUNGEMENT OF NOT-GUILTY VERDICTS AND
DISMISSED CRIMINAL-CHARGE RECORDS, AND INCLUDING EFFECTIVE
DATE AND APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 901C.1 Not-guilty verdicts and
criminal-charge dismissals — expungement.

1. As used in this section, unless the context otherwise
requires, "expunge" and "expungement" mean the same as expunged
in section 907.1.

2. *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.

3. 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.

4. This chapter does not apply to dismissals related to a deferred judgment under section 907.9.

5. This chapter applies to all public offenses, as defined under section 692.1.

6. The court shall advise the defendant of the provisions of this chapter upon either the acquittal or the dismissal of all criminal charges in a case.

7. The supreme court may prescribe rules governing the procedures applicable to the expungement of the record of a criminal case under this chapter.

8. This section shall apply to all relevant criminal cases that occurred prior to, on, or after the effective date of this Act.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2016.

PAM JOCHUM
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 385, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2015

TERRY E. BRANSTAD
Governor