

House File 232 - Introduced

HOUSE FILE 232

BY DAWSON

A BILL FOR

1 An Act relating to expungement of a conviction of theft in the
2 fifth degree.

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

1 Section 1. Section 714.2, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. Upon the expiration of two years
4 following a conviction for a violation of subsection 5, a
5 person who was under the age of twenty-one at the time of a
6 violation may petition the court to expunge the conviction,
7 and if the person has had no other criminal convictions, other
8 than simple misdemeanor violations of chapter 321 during the
9 two-year period, the conviction shall be expunged as a matter
10 of law. The court shall enter an order that the record of the
11 conviction be expunged by the clerk of the district court.
12 Notwithstanding section 692.2, after receipt of notice from
13 the clerk of the district court that a record of conviction
14 has been expunged for a violation of subsection 5, the record
15 of conviction shall be removed from the criminal history data
16 files maintained by the department of public safety. An
17 expunged conviction shall not be considered a prior offense for
18 purposes of enhancement under applicable state law unless a new
19 violation occurred prior to entry of the order of expungement.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill allows a person who is under the age of 21 at
24 the time the person commits an offense of theft in the fifth
25 degree to have the conviction of theft in the fifth degree
26 expunged, if the person has no other criminal convictions other
27 than simple misdemeanor violations of Code chapter 321. The
28 bill requires the district court to instruct the clerk of the
29 district court to expunge the record of conviction, and the
30 record of conviction shall be removed from the criminal history
31 files maintained by the department of public safety.

32 The bill also provides that the expunged conviction shall
33 not be considered a prior offense for purposes of enhancement
34 unless a new violation occurred before the conviction is
35 expunged.