

House File 2066 - Introduced

HOUSE FILE 2066

BY WOLFE

A BILL FOR

1 An Act relating to the expungement of simple misdemeanor
2 offenses.

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

1 Section 1. NEW SECTION. 901C.3 Simple misdemeanor —
2 expungement.

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

7 a. More than five years have passed since the date of
8 the conviction, and the defendant has not been subsequently
9 convicted of or granted a deferred judgment for a criminal
10 offense.

11 b. More than ten years have passed since the date of
12 the conviction, and the defendant has not been subsequently
13 convicted of or granted a deferred judgment for a felony
14 offense.

15 2. This section shall not apply to a simple misdemeanor
16 conviction under section 123.46, 123.47, subsection 3, or
17 708.2A.

18 3. This section applies to a simple misdemeanor conviction
19 that occurred prior to, on, or after July 1, 2018.

20 4. Notwithstanding section 692.2, after receipt of
21 notice from the clerk of the district court that a record of
22 conviction has been expunged, the record of conviction shall be
23 removed from the criminal history data files maintained by the
24 department of public safety if such a record was maintained in
25 the criminal history data files.

26 EXPLANATION

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

29 This bill relates to the expungement of a simple misdemeanor
30 offense.

31 The term "expunged" means the court's criminal record with
32 reference to a deferred judgment or any other criminal record
33 that has been segregated in a secure area or database which is
34 exempt from public access.

35 The bill provides that upon the application of a defendant

1 convicted of a simple misdemeanor, the court shall enter an
2 order expunging the record of such criminal case as a matter
3 of law if the defendant has established that more than five
4 years have passed since the date of the conviction and the
5 defendant has not been subsequently convicted of or granted a
6 deferred judgment for a criminal offense or the defendant has
7 established that more than 10 years have passed since the date
8 of the conviction, and the defendant has not been subsequently
9 convicted of or granted a deferred judgment for a felony
10 offense.

11 The bill does not apply to simple misdemeanor convictions
12 under Code sections 123.46 (consumption or intoxication in
13 public place) and 123.47(3) (alcohol consumption by persons
14 under legal age) because expungement procedures already exist
15 for both offenses, and does not apply to simple misdemeanor
16 convictions for domestic abuse assault under Code section
17 708.2A.

18 The bill applies to a simple misdemeanor conviction that
19 occurs prior to, on, or after July 1, 2018.

20 The bill also provides that after receipt of notice from the
21 clerk of the district court that a record of conviction has
22 been expunged, the record of conviction shall be removed from
23 the criminal history data files maintained by the department of
24 public safety if such a record was maintained in the criminal
25 history data files.