

House File 2152 - Introduced

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BY WOLFE and HITE

A BILL FOR

1 An Act relating to the expungement of domestic abuse and sexual
2 abuse dismissals.

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

1 Section 1. NEW SECTION. 901C.4 Domestic abuse and sexual
2 abuse dismissals — expungement.

3 1. *a.* Except as provided in paragraph “*b*”, upon application
4 of a respondent in a domestic abuse case pursuant to chapter
5 236 or a sexual abuse case pursuant to chapter 236A, the court
6 shall enter an order expunging the record of either case if the
7 court finds that the respondent has established that all of the
8 following have occurred, as applicable:

9 (1) The court has entered an order dismissing the petition
10 alleging that the respondent committed domestic abuse or sexual
11 abuse.

12 (2) All court costs, fees, and other financial obligations
13 ordered by the court or assessed by the clerk of the district
14 court against the respondent have been paid.

15 (3) A minimum of one hundred eighty days have passed since
16 the entry of the judgment of the order dismissing the case,
17 unless the court finds good cause to waive this requirement.

18 *b.* The court shall not enter an order expunging the record
19 of a case under paragraph “*a*” unless all the parties in the case
20 have had time to object on the grounds that one or more of the
21 relevant conditions in paragraph “*a*” have not been established.

22 2. The record in a case expunged under this section is a
23 confidential record exempt from public access under section
24 22.7 but shall be made available by the clerk of the district
25 court, upon request and without court order, to either the
26 respondent, the plaintiff, or to an agency or person granted
27 access to the deferred judgment docket under section 907.4,
28 subsection 2.

29 3. This section applies to cases filed under chapter 236
30 or chapter 236A. The court shall advise the respondent of the
31 provisions of this section upon the dismissal of a petition
32 filed under chapter 236 or chapter 236A.

33 4. The supreme court may prescribe rules governing the
34 procedures applicable to the expungement of a record of a case
35 under this section.

1 5. This section shall apply to all relevant cases that
2 occurred prior to, on, or after January 1, 2021.

3 Sec. 2. Section 907.1, subsection 3, Code 2020, is amended
4 to read as follows:

5 3. "*Expunged*" means the court's criminal record with
6 reference to a deferred judgment or any other criminal record,
7 or any court record, that has been segregated in a secure area
8 or database which is exempted from public access.

9

EXPLANATION

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

12 This bill relates to the expungement of domestic abuse and
13 sexual abuse dismissals.

14 The bill provides that upon application by a respondent
15 in a domestic abuse case or a sexual abuse case, the court
16 shall enter an order expunging the record of either case if the
17 court finds that the court has entered an order dismissing the
18 petition alleging that the respondent committed domestic abuse
19 or sexual abuse; all court costs, fees, and other financial
20 obligations ordered against the respondent have been paid;
21 and a minimum of 180 days have passed since the dismissal
22 of the case unless the court finds good cause to waive the
23 requirement. All the parties in the case must be allowed time
24 to object on the grounds that one or more of the relevant
25 conditions for expungement as specified in the bill have been
26 met before the court is allowed to enter an order expunging the
27 record of a domestic abuse case or a sexual abuse case.

28 The bill amends the definition of "expunged" to include
29 court records that are not criminal in nature.