

House File 351 - Introduced

HOUSE FILE 351

BY MOHR

A BILL FOR

1 An Act relating to the expungement of a deferred judgment upon
2 a person's discharge from probation.

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

1 Section 1. Section 907.9, subsection 4, paragraph b, Code
2 2019, is amended to read as follows:

3 b. Upon discharge from probation, if judgment has been
4 deferred under [section 907.3](#), the court's criminal record with
5 reference to the deferred judgment, any counts dismissed by the
6 court, which were contained in the indictment, information,
7 or complaint that resulted in the deferred judgment, and
8 any other related charges that were not contained in the
9 indictment, information, or complaint but were dismissed, shall
10 be expunged. However, the court's record shall not be expunged
11 until the person has paid the restitution, civil penalties,
12 court costs, fees, or other financial obligations ordered by
13 the court or assessed by the clerk of the district court in the
14 case that includes the deferred judgment. The expunged record
15 shall be sealed by the court and is a confidential record
16 exempt from public access under [section 22.7](#) but shall be made
17 available by the clerk of the district court, upon request and
18 without court order, to an agency or person granted access to
19 the deferred judgment docket under section 907.4, subsection
20 2. The court's record shall not be expunged in any other
21 circumstances unless authorized by law.

22 EXPLANATION

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

25 This bill relates to the expungement of a deferred judgment
26 upon a person's discharge from probation.

27 Under current law, if a judgment in a criminal case has
28 been deferred, any counts dismissed by the court, which were
29 contained in the indictment, information, or complaint that
30 resulted in the deferred judgment, and any other related
31 charges that were not contained in the indictment, information,
32 or complaint but were dismissed, shall be expunged and the
33 expunged record is a confidential record but shall be made
34 available by the clerk of the district court, upon request and
35 without court order, to an agency or person granted access to

1 the deferred judgment docket.

2 The bill requires the expunged record to be sealed by the
3 court subject to the same confidentiality restrictions in
4 current law.