

Senate File 385 - Reprinted

SENATE FILE 385
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1110)

(As Amended and Passed by the Senate March 17, 2015)

A BILL FOR

1 An Act relating to the expungement of not-guilty verdicts and
2 dismissed criminal-charge records, and including effective
3 date provisions.

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

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

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Expunge*" and "*expungement*" mean the same as expunged in
6 section 907.1.

7 b. "*Related case*" means a separate criminal case that arises
8 from the same transaction or occurrence or from two or more
9 transactions or occurrences constituting parts of a common
10 scheme or plan that form the basis for a criminal case.

11 2. Upon application of a defendant to expunge the
12 record relating to the defendant in a criminal case or upon
13 application by the prosecutor in such a criminal case, or upon
14 the court's own motion, the court shall expunge the record of
15 a criminal case containing one or more criminal charges in
16 which an acquittal was entered for all criminal charges or
17 all criminal charges were otherwise dismissed in the case, if
18 the court finds that the defendant has established all of the
19 following, as applicable:

20 a. All court costs, fees, and other financial obligations
21 ordered by the court or assessed by the clerk of the district
22 court have been paid.

23 b. The case was dismissed with prejudice or the case is
24 beyond the limitations for the commencement of criminal actions
25 as set forth in chapter 802.

26 c. (1) The defendant has not been charged with a crime in a
27 related case.

28 (2) If the defendant was charged with a crime in one or more
29 related cases, no charges are pending in a related case, the
30 defendant has not been convicted of a crime in a related case,
31 and the dismissal of the case was not part of a plea bargain.

32 d. (1) The case was not dismissed due to the defendant
33 being found not guilty by reason of insanity.

34 (2) The defendant was not found incompetent to stand trial.

35 e. All parties in the case had notice of the proposed

1 expungement and an opportunity to object.

2 3. The record in a criminal case expunged under this
3 section is a confidential record exempt from public access
4 under section 22.7 but shall be made available by the clerk of
5 the district court, upon request and without court order, to
6 the defendant or to an agency or person granted access to the
7 deferred judgment docket under section 907.4, subsection 2.

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

10 5. This chapter applies to all public offenses.

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

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

17 Sec. 2. COURT RULES. The supreme court may prescribe rules
18 to implement this Act to be effective July 1, 2016.

19 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2016.