

In the Iowa Supreme Court

**Request for Public Comment
on Proposed Chapter 2
Criminal Case Expungement
Rules**

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Order

The Iowa Supreme Court is seeking comment on proposed criminal case expungement rules and forms to be added to the Iowa Rules of Criminal Procedure, chapter 2 of the Iowa Court Rules.

During the 2019 session of the Iowa General Assembly, the legislature passed, and the Governor signed, a bill (SF 589) that created new Iowa Code section 901C.3, which provides an expungement process for certain misdemeanors. By Administrative Directive in August 2019, the State Court Administrator established the Expungement Advisory Committee to provide recommendations to the judicial branch regarding the proper implementation of Senate File 589. The advisory committee prepared a report of recommendations for the State Court Administrator’s consideration and subsequently formed a workgroup to develop proposed rules and forms to implement the section 901C.3 expungement process.

While developing the rules and forms, the workgroup expanded the project to include criminal case expungements made pursuant to Iowa Code sections 901C.2, dismissed cases and acquittals; 123.46, public intoxication cases; 123.47, possession of alcohol under the legal age cases; and 725.1, certain prostitution cases. The proposed rules set forth the application process for each type of expungement, the manner in which subsequent proceedings are to occur, what occurs when an application for expungement is granted, and a rule concerning the tracking of completed Iowa Code section 901C.3 expungements for internal judicial branch use. Proposed forms have also been developed for each type of expungement application.

Prior to taking further action on the proposed rules and forms, the supreme court seeks public comment on them.

The proposed expungement-related rules and forms are provided with this order and are available on the judicial branch website at <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/>. In addition, copies of the proposed rules and forms are available at the office of the Clerk of the Iowa Supreme Court.

The supreme court's request for public comment does not imply the action that the court will take on the proposed rules forms.

It should be noted that these proposed expungement rules are separate from the proposed amendments to the existing chapter 2 rules of criminal procedure that are under consideration by the supreme court.

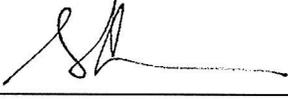
Any interested organization, agency, or person may submit written comments. Comments about a proposed rule or form must refer to the specific rule or form number and line number (for example, rule 2.80(2), lines 14–17). Email comments must be sent to rules.comments@iowacourts.gov, must state **“Chapter 2 Expungement Rules”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Iowa Supreme Court, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

The deadline for submitting comments is 4:30 p.m. on Monday, October 26, 2020.

Dated this 26th day of August, 2020.

The Iowa Supreme Court

By 

Susan Larson Christensen, Chief Justice

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