

Instructions for Application to Expunge Misdemeanor Court Records Under Iowa Code Section 901C.3

Under Iowa Code section 901C.3, some misdemeanor convictions may be expunged from your record; however, not all convictions can be expunged under this section, and you must be sure that your conviction qualifies for an expungement. Also, it is important to understand that under this section, *you only get one of these expungements in your lifetime*, unlike some other forms of expungement. Because of this, it is often a strategic decision whether or not to request an expungement of this kind. If you have questions about this, or if you do not understand any part of the application in general, you should seek the help of an attorney.

- **In General**

- Be sure to fill out the application completely and check all the boxes that apply to you. Failure to fully complete the application may result in your expungement request being denied.
- “Defendant” means you, the person filling out the application.
- “County attorney” means the prosecutor in your case. The county attorney’s office is typically located in the county where you were prosecuted.

- **Paragraph 1**

- You must complete all sections in this paragraph that apply to you.

- **Paragraph 2**

- You must indicate that you have never received an expungement under section 901C.3 before. If you have, you cannot request another because you are permitted only one of these expungements in your lifetime.
 - *Note:* this does not include other forms of expungement that you may have previously received such as a deferred judgment or expungement of a dismissed case.

- **Paragraph 3**

- Iowa Code section 901C.3 allows you to expunge all charges that are related or that arose out of the same facts and circumstances. This is true even if they have different case numbers, as long as they are factually related. To take advantage of this, you must apply to expunge all of the related charges at the same time. Be sure to list all of the charges with the associated case numbers that you wish to have expunged in the space provided.
 - Since you only get one of these expungements in your life, it is important that you request that all of the related charges be expunged at the same time and on the same application, otherwise, the once-in-a-lifetime bar will prohibit you from getting the related charges expunged at a later date.
 - *Note:* the application must also be filed *in all of the cases* that you are seeking to have expunged.

- To check for multiple charges, review the sentencing order or your criminal history that you get from the Iowa Division of Criminal Investigation (DCI) (see **Paragraph 9** below) and look for offense dates that are the same or that are close in time.
- You can also ask your defense attorney on the criminal case (if you had one), the county attorney's office in the county where you were convicted, or an Iowa Legal Aid attorney or private attorney who may help you with the expungement.
- **Paragraph 4**
 - Not all misdemeanor charges are eligible for expungement under section 901C.3. Refer to the list of Code section numbers in paragraph 4 of the application for charges that are ineligible and compare it to the section number you were convicted under.
 - Keep in mind that Code sections change over the years and that you will have to compare the Code section in effect when you were convicted to the language of the Code sections listed in paragraph 4. For example, something that may be a felony now may have been a misdemeanor when you were convicted, or vice versa. The older your charge, the more of a chance that the Code has been changed, perhaps even more than once.
 - The crime that you were initially charged with is often not the same one that you were convicted of. For example, if you pleaded guilty to a lower charge as part of a plea deal, or if the charge was later amended, the charge of your conviction may be different from the initial charge. The charge that you are convicted of is all that matters for the application, not the initial charge.
 - To determine what charge you were actually convicted of, and not just initially charged with, review the conviction or sentencing order. The order will list the section number of conviction. Compare that number to the list of ineligible section numbers in paragraph 4, also keeping in mind the Code in effect in the year when you were convicted. You may also ask the county attorney's office or the clerk of court's office in the county where you were convicted and they may be able to provide you with that information. This analysis can be complicated. You may want to consult with an Iowa Legal Aid attorney or private attorney to make sure you understand your options.
- **Paragraph 5**
 - You must have paid in full any court debt related to the case or cases you are seeking to have expunged. This *does not* apply to any outstanding money you may owe on any other unrelated cases, for example an unpaid speeding ticket.
 - Contact the county attorney or clerk of court's office in the county where you were convicted to verify whether you still owe any money on the case or cases you are trying to have expunged.

- **Paragraph 6**

- At least eight years must have passed since the court entered a conviction on the charge you are seeking to have expunged (not eight years since you were arrested or initially charged).

- **Paragraph 7**

- You may not request an expungement if you have any pending criminal cases that have not been resolved. Typically, a case is still pending if you have court dates scheduled or if you were just recently arrested.
- This does not include pending minor traffic offenses such as a parking ticket or seat belt ticket.

- **Paragraph 8**

- You may not receive an expungement under section 901C.3 if you have previously received more than one deferred judgment. Receiving just one deferred judgment does not preclude you from an expungement under section 901C.3.
- If you received a deferred judgment for multiple charges at the same time, it counts as only one.

- **Paragraph 9**

- You must attach a copy of your Iowa Division of Criminal Investigation (DCI) criminal history to your expungement application. The criminal history document cannot be more than 30 days old.
 - It is best to have your expungement application completed and ready to file before requesting a copy of your criminal history. This will help avoid the criminal history becoming more than 30 days old and expiring.
- To request a copy of your criminal history, you must complete two forms—the Criminal History Request Form and the Criminal History Billing Form—and send the forms along with the proper payment to the DCI. Both forms can be found at <https://dps.iowa.gov/divisions/criminal-investigation/criminal-history/record-check-forms>.
 - The first form ([Criminal History Request Form](#)) is the actual criminal history request. You must fill out all applicable parts and sign it (see example below).



**STATE OF IOWA
Criminal History Record Check
Request Form**



Mail or Fax completed forms to:

Iowa Division of Criminal Investigation
Support Operations Bureau, 1st Floor
215 E. 7th Street
Des Moines, Iowa 50319
(515) 725-6066
(515) 725-6080 Fax

DCI Account Number: _____
(if applicable)

Send results to:

Name _____
Address _____

Phone _____
Fax _____

Indicate where you want the criminal history sent (usually put your address here)

I am requesting an Iowa Criminal History Record Check on:

Last Name (mandatory)	First Name (mandatory)	Middle Name (recommended)
Date of Birth (mandatory)	Gender (mandatory)	Social Security Number (recommended)
	<input type="checkbox"/> Male <input type="checkbox"/> Female	
<p><i>Release Authorization:</i> Without a signed release from the subject of the request, a complete criminal history record may not be releasable, per Code of Iowa, Chapter 692.2. For <u>complete</u> criminal history record information, as allowed by law, always obtain a signed release from the subject of the request. ***This form (DCI-77) is the only approved release authorization form for this purpose.***</p>		
<p><i>Release Authorization:</i> I hereby give permission for the above requesting official to conduct an Iowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal history data concerning me that is maintained by the DCI may be released as allowed by law. I understand this can include information concerning completed deferred judgments and arrests without dispositions.</p>		
<p><i>Release Authorization Signature:</i> _____</p>		

Your information

Sign here

- The second form ([Criminal History Billing Form](#)) is used to submit the required payment for the criminal history document.
- Completed forms may be delivered in person, by mail, or by fax.
 - Mail or hand-delivery (with payment):
Iowa Division of Criminal Investigation
Support Operations Bureau 1st Floor, 215 E. 7th St.
Des Moines, IA 50319
 - Fax: 515-725-6080

• **Read Before Signing section**

- Read each paragraph and check the box on the left indicating that you understand the statement. If you do not understand the statement, you should consult with an Iowa Legal Aid attorney or private attorney.

• **Certification of Service by Mailing or Delivery**

- If you file the application electronically, then you do not need to fill out this section, as the court's electronic document management system will automatically notify the county attorney.
- If you do not file the application electronically, then you must serve a copy of the application and all attachments on the county attorney by hand-delivering or mailing it to the county attorney's office in the county of your conviction.

- **Oath and Signature**

- This section must be filed out completely before filing. *If you do not sign the application, then it will not be accepted.*
- You may either sign the application by printing it out, signing it by hand, and scanning it into a PDF file or by electronically signing it (instructions on how to electronically sign a court form can be found at <https://www.iowacourts.gov/for-the-public/court-forms/>).
- When you sign the application, you are certifying under penalty of perjury that the information you have provided on it is true and correct.