

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2696 (Formerly HF 2144)	House Committee:	PASSED on February 19 (20-0)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. M. Thompson	Senate Floor:	
Date:	March 12, 2026	Governor:	
Staff:	Amanda Wille (1-5230)		

Human Trafficking Victims- Expungement Options

- HF 2696 allows victims of human trafficking to have criminal records expunged in certain circumstances.

Section by Section Analysis

Section 1 — New Section: 710A.8 Expungement of Criminal History Records – Human Trafficking Victims

1. Definitions

- Official documentation: Documentation from federal, state, or local offices/agencies/departments evidencing the person's status as a victim.

2. Right to Petition for Expungement

- Any person, except as described in subsection 9, may petition the court to expunge arrests or charges for offenses committed while the person was a victim of human trafficking.
- Timing: Petition may be filed anytime after the person is no longer a victim or after accessing victim services.

Petition Requirements:

- Must include:
 - Petitioner's sworn statement of eligibility (false statements constitute a class "D" felony).
 - Official documentation if available.
- No court filing fee may be charged to the petitioner.

3. Service and Notice

- The petition must be served on the county attorney, attorney general, and the arresting law enforcement agency.
- These parties may respond to the court regarding the petition.

4. Court Appearance

- Petitioners and their attorneys may participate in court proceedings remotely (phone or video).
- A victim counselor may accompany the petitioner in court if requested and available.

5. Evidentiary Standards

- Submission of official documentation creates a presumption that the offense was linked to victim status—court decides by preponderance of evidence.
- Expungement can still be granted without documentation, but the court requires "clear and convincing evidence" in such cases.

6. Granting Relief and Distribution of Orders

- Court may order expungement if requirements are met.
- If granted:
 - Clerk notifies relevant agencies
 - Law enforcement must pass on the expungement order to any agency that received the record.
 - Department of Public Safety must send the order to the FBI.

7. Confidentiality & Limited Disclosure

- Expunged records are confidential and not accessible to the public, except by court order.
- Law enforcement and specified government agencies may access confidential records for official duties, especially regarding firearm eligibility checks.
- Any data that reveals the identity of the petitioner is also confidential.
- Agencies can disclose some information to locate missing/endangered persons or fulfill agency duties.

8. Legal Effect of Expungement for Victim

- Subjects of expunged records may lawfully deny or not acknowledge the arrest or conviction, except:
 - If applying to work for a criminal justice agency,
 - If a defendant in a criminal prosecution.
- Such denial is not perjury or a false statement under Iowa law (with the exceptions above).

9. Offenses Not Eligible for Expungement

- Homicide (Chapter 707)
- Intimidation with a dangerous weapon (708.6)
- Going armed with intent (708.8)
- Stalking (708.11(3))
- Sexual abuse (Chapter 709)
- Kidnapping (Chapter 710)
- Robbery/aggravated theft/extortion (Chapter 711)
- Arson (Chapter 712)
- First- or second-degree burglary (713.3, 713.5)
- Neglect/abandonment/endangerment of a dependent/child (726.3, 726.6)

10. Firearm Database Exception

- Expungement does not prevent court judgments (for not guilty by reason of insanity or incompetence to stand trial) from being reported to state and federal databases for use in firearm-related background checks.

11. Discretion and No Right Conferred

- Courts maintain full discretion to grant or deny expungement petitions.

12. Supreme Court Rulemaking

- The Iowa Supreme Court may adopt rules governing expungement procedures under this bill