

Criminal Law Seminar

March 27 & 28, 2002

Criminal Records

10:00-10:30 a.m. (March 27)

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Locating, Correcting and Expunging Criminal Records in Iowa

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I. The High Price of a Criminal Record.

A. Loss of the right to vote.

Persons convicted of “infamous crimes” are ineligible to vote. *Iowa Constitution, Article II, §5; §48A.6, Iowa Code.* Voter registration is to be cancelled upon notification by the clerk of district court, United States attorney or state registrar of a conviction defined in 701.7 of the *Iowa Code* or of a conviction classified as a felony under federal law. *§48A.30, Iowa Code.*

Voter qualifications established by the states apply to national elections. *United States Constitution, Article I, §4; Article II, §1; Amendment 17.*

B. Loss of right to hold public office.

An election may be challenged if the incumbent has been “duly convicted of a felony.” *§ 57.1(2)(c), Iowa Code.* Conviction of a felony is grounds for removal of an appointed state officer, *§66.26(8), Iowa Code,* and applies to convictions of federal offenses. *State ex rel. Dean v. Haubrich, 248 Iowa 978, 83 N.W.2d 451 (1957).*

Convictions under numerous federal statutes may result in disqualification from holding any federal office of honor, trust or profit. See, e.g., *18 U.S.C. §§ 201, 203, 204, 593, 1901, 1905, 1907, 1908, 1913, 2071, 2381, 2383.*

C. Loss of right to serve as a juror.

A felon is not disqualified from state jury service, but may be challenged for cause. *Rule 187(f), Iowa Rules of Civil Procedure; Rule 17(5), Iowa Rules of Criminal Procedure.*

28 U.S.C. §1865(b)(5) disqualifies anyone convicted of a felony from federal grand or petit jury service if the person's civil rights have not been restored.

D. Loss of right to act as a fiduciary.

While some states bar felons from serving as fiduciaries, Iowa merely disqualifies those deemed "unsuitable" by the court. §633.33, *Iowa Code*. One responsible for causing the death of another may not receive any property or benefit as a result of the death. §633.535, *Iowa Code*.

E. Suspension or revocation of professional license.

Conviction of a felony "related to the profession or occupation of the licensee" or "that would affect the licensee's ability to practice within a profession" is grounds for suspension or revocation of a health-related professional license. §§147.2, 147.55(5), *Iowa Code*. Similar disqualifications apply to accountants [§542C.21(5)], realtors [§543B.299(5)], landscape architects [§544B.15(5)], land surveyors and professional engineers [§542B.21(5)], real estate appraisers [§543D.17(1)(c)], architects [§544A.13(5)], and attorneys [§602.10122(1)].

F. Disqualification from service in armed forces.

Conviction of a serious crime may prevent enlistment into the armed forces. 10 U.S.C. §504.

G. Loss of right to possess firearms.

A person convicted of any state or federal felony may not possess, transport or receive a firearm or offensive weapon. §724.26, *Iowa Code*; 18 U.S.C. §§921,922. Restoration of a felon's civil rights under state law will not lift the firearms disabilities of a person convicted of a federal offense. *Beecham v. United States*, 511 U.S. 368, 114 S.Ct. 1669, 128 L.Ed.2d 383 (1994). See also *Bell v. United States*, 970 F.2d 428 (8th Cir. 1992).

Firearm disabilities also apply to persons convicted of domestic violence and certain assaults under *Chapter 708, Iowa Code*. 18 U.S.C. §§921(a)(33)(A), 922(g)(9), 922(s)(3)(B)(i).

H. Forfeiture of veteran's benefits.

Loss of rights to veterans benefits result from convictions for fraud or false statement in the application or claims process, 38 U.S.C. §3503(a), and from convictions for mutiny, treason, sabotage and giving aid to the enemy. 38 U.S.C. §3504.

I. Loss of social security, supplemental medical insurance benefits.

Inmates confined in any jail, prison or other correctional facility as a result of a felony conviction are ineligible for monthly benefits. 20 C.F.R. §404.468. Convictions for certain subversive activities, 20 C.F.R. §404.465, crimes against the Social Security Administration, 20 C.F.R. §404.502, and intentionally causing the death of the person for whom the defendant is considered a survivor, 20 C.F.R. §404.305(b), will result in disqualification from certain benefits.

J. Loss of federal annuities and retirement pay.

Several forfeiture provisions relating to federal annuities and pensions attend convictions for espionage, treason and sedition. 5 U.S.C. §8311-8322.

K. Disqualification from certain employment.

§400.17, Iowa Code, disqualifies all habitual criminals [usually one with 3 or more felony convictions; see §902.8, Iowa Code] from employment in all civil service positions, police departments or fire departments.

Conviction of certain crimes described in 29 U.S.C. §§504 and 1111 (robbery, bribery, extortion, embezzlement, grand larceny, violation of narcotics laws, rape, murder, certain assaults, abuse of position of trust) disqualifies one from service and employment with labor unions, employer associations, employee benefit and pension plans, and as labor relations consultant in the private sector.

L. Immigration consequences.

Non-citizens convicted of crimes involving "moral turpitude" within 5 years of entry and sentenced to confinement for a year or more are subject to deportation. 8 U.S.C. §1251(a)(2)(A). The

same provision allows deportation of any non-citizen at any time if convicted of two crimes involving moral turpitude. State or federal drug convictions also warrant deportation, except for possession of small amounts of personal use marijuana. 8 *U.S.C. §1251(a)(2)(B)*. Other offenses authorizing deportation include alien smuggling [*§1251(a)(1)(E)*], weapons violations [*§1251(a)(2)(C)*], and crimes involving treason or national security [*§1251(a)(2)(D)*].

M. Forfeitures.

Iowa law makes any “act or omission which is a public offense and which is a serious or aggravated misdemeanor or felony” grounds for forfeiture of property related to the conduct. *§809A.3, Iowa Code*. The possibilities are endless.

Numerous federal criminal and civil statutes describe the forfeiture of any property relating to drug violations [*21 U.S.C. §§848, 853, 881*] and racketeering activity [*18 U.S.C. §§1962, 1963*].

N. Consequences of certain drug-related convictions.

1. Passports. The Secretary of State may deny or revoke the passport of persons convicted of felony drug offenses and certain misdemeanor drug crimes. *22 U.S.C. §2714*. The ineligibility continues through the time of incarceration and periods of probation or parole.

2. Loss of federal benefits. Under *21 U.S.C. §§862 and 862a*, any person convicted of possession or distribution of controlled substances shall, at the discretion of the court, be ineligible for certain grants, contracts, loans and professional or commercial licenses issued by an agency of the United States. A second or subsequent offense leads to greater periods of ineligibility, or to permanent ineligibility. These provisions include convictions for state drug offenses. Excluded are certain medical, disaster, drug treatment, job training, and other humanitarian programs.

3. Access to public housing. A tenant in public housing may have his tenancy terminated for possession of drugs or other drug-related activity; the disqualifying activity does not require a conviction, but may be triggered by a guilty plea only. *42*

U.S.C. §1437(1)(5).

4. Federal employment. Employees working for federal contractors or recipients of federal grants may be subject to termination or required drug treatment if convicted of a drug offense. *41 U.S.C. §701.*

5. Loss of driver's license. Conviction of a drug offense or drug tax offense under *Chapters 124 and 453B, Iowa Code*, results in a 180-day revocation of an Iowa driver's license. *§903.5, Iowa Code.*

6. Professional discipline. Convictions under *Chapter 124, Iowa Code*, are to be reported to "any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or ... business." *§124.412, Iowa Code.*

O. Consequences of sex offense convictions.

A person convicted of a criminal offense involving a minor, sexual exploitation, or a sexually violent offense and whose name is entered in the sex offender registry must register with the sheriff of each county of residence for ten years from placement on parole, probation, work release, or release from custody. *§692A.2, Iowa Code.* A repeat offender is subject to enhanced penalties as a sexual predator. *Chapter 901A, Iowa Code.*

P. Ineligibility for deferred judgment.

§907.3, Iowa Code, makes ineligible for a deferred judgment anyone earlier convicted of a felony, or who has previously been granted a deferred judgment for a felony in the past five years.

Q. Susceptibility to impeachment as a witness.

Rule 609 of the *Iowa and Federal Rules of Evidence* allows impeachment of a witness on grounds of previous conviction of a crime punishable by death or imprisonment in excess of a year, or any crime involving dishonesty or false statement. A witness is subject to impeachment even after having been granted a deferred judgment, if the witness has not yet completed probation and been discharged. *State v. Birth, 604 N.W.2d 664*

(Iowa 2000).

R. Heightened risk rating for insurance, bonding coverage.

Felony convictions are routinely considered a risk factor in insurance underwriting.

II. Locating criminal records.

A. Iowa records.

1. Clerks of the District Court. With the exception of the minutes of evidence supporting a grand jury indictment or trial information, and the presentence report, criminal case files are considered public records.

In addition to paper files, the clerks of court maintain computer records of criminal case records in the Iowa Court Information System (ICIS). Public access terminals are maintained at the clerks' offices. Access to electronically-stored data may be obtained by case number or defendant's name. For cases docketed before ICIS, the clerk maintains index and docket books listing case names, numbers and docket entries.

In cases in which judgment has been deferred, the case file continues to be a public records until the defendant is discharged from probation. Upon discharge, the file is "expunged" by sealing the file -- the contents are not destroyed. The electronic record of the case is changed in the ICIS database by raising the security level of the file and making it inaccessible at the public terminals. A case in which a deferred-related expungement has occurred will show no case number or entry at an ICIS terminal.

2. Iowa Division of Criminal Investigation. The Division maintains both *fingerpr**int** records* (of persons arrested and convicted of serious and aggravated misdemeanors, felonies, and simple misdemeanors subject to enhanced penalties for subsequent offenses), §690.2, *Iowa Code*, and *criminal history data* (arrest, conviction, disposition/adjudication, and correctional/custody information), *Chapter 692, Iowa Code*.

A person may obtain a record of the criminal record maintained by the Iowa Department of Public Safety by submitting a

written request, including the name and exact date of birth of the person for whom the record is sought, to:

Iowa Division of Criminal Investigation
Bureau of Identification
Wallace State Office Building
Des Moines, IA 50319

Records of *deferred judgments* cannot be provided without a signed waiver from the subject of the record. See §692.5, *Iowa Code*.

The request must be submitted on department forms, together with \$13.00 for each record, a completed billing form, and a self-addressed stamped reply envelope. Forms are available from the DCI, or at:

www.state.ia.us/government/dps/dci/crimhist.htm.

The Division of Criminal Investigation also maintains *intelligence data*, defined as information on identifiable individuals compiled to anticipate, prevent or monitor possible criminal activity. §692.1(13), *Iowa Code*. If intelligence data has been provided to the court as part of a presentence investigation or juvenile adjudication, the defendant/juvenile and the individual's attorney are entitled to notice and an opportunity to examine the data. If the accuracy of the data is disputed, the individual shall file an affidavit specifying the inaccuracy and why it is incorrect. "If the court finds reasonable doubt as to the accuracy of such information, it may require a hearing and examination of witnesses relating thereto on or before the time set for sentencing or adjudication." §692.8, *Iowa Code*.

3. Local police departments, sheriff's offices. Many police and county sheriff's departments maintain both written and computerized records of arrests and dispositions. It seems unlikely that courts have any control over the maintenance of these records or the dissemination of information contained in them. See *State v. Fish*, 265 N.W.2d 737 (Iowa 1978), *infra*. Local law enforcement agencies are required to submit reports to the DCI of all arrests and dispositions. §692.15, *Iowa Code*.

B. U.S. Department of Justice / F.B.I records.

The subject of an identification record (a “rap sheet”) may obtain a copy by submitting a written request to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The mailed request must be accompanied by proof of identity (consisting of name, date and place of birth) *and* a set of rolled-inked fingerprints placed upon fingerprint cards *and* a certified check or money order payable to the U.S. Treasury for \$18.00 [the fee may be waived upon proof of indigency]. 28 *C.F.R. Chapter 1, Subpart C, §§16.31-16.33.*

III. Correcting criminal records.

A. Iowa criminal records.

A person disputing the accuracy or completeness of information maintained by the DCI may challenge the information in writing (Iowa Division of Criminal Investigation, Bureau of Identification, Wallace State Office Building, Des Moines, IA 50319) or in person at the DCI headquarters during working hours. The Bureau must respond to the request for correction within 20 days. Judicial review may be sought in accordance with the *Iowa Administrative Procedure Act. §692.5, Iowa Code.* The district court has no equitable jurisdiction separate from judicial review to independently order a revision of the DCI’s records. *Banos v. Shepard, 419 N.W.2d 364 (Iowa 1988).*

If the Bureau corrects or eliminates data as requested or ordered by the court, the Bureau must advise all agencies or individuals who have received the incorrect information to correct their files. A person may petition the district court to obtain a list of all persons and agencies who have received criminal history data referring to the applicant. *§692.5, Iowa Code.* Civil actions for damages and injunctive relief are available under *§692.6, Iowa Code.*

B. Department of Justice records.

A challenge to the accuracy of a criminal record must ordinarily be submitted to the agency that contributed the questioned information. If the challenge is submitted directly to the FBI, the FBI will forward the request to the originating agency to verify or correct the challenged entry. Upon receipt of a

correction directly from the originating agency, the FBI will make necessary changes. *28 C.F.R. Chapter 1, Subpart C, §16.34.*

IV. Expungement of criminal records.

- A. Deferred judgments. Upon entry of a deferred *judgment*, and upon fulfillment of the conditions of probation and payment of any correctional service supervision fees, the defendant shall be discharged without entry of judgment. *§907.3, Iowa Code.*

Upon discharge from probation if judgment has been deferred, “the court’s criminal record with reference to the deferred judgment shall be expunged. The record maintained by the state court administrator as required by section 907.4 shall not be expunged. The court’s record shall not be expunged in any other circumstances.” *§907.9, Iowa Code.* Satisfaction of probation, followed by expungement, means the defendant has not been convicted. *Iowa Beer and Liquor Control Department v. McBlain, 263 N.W.2d 226 (Iowa 1977)* [under predecessor §789A.1, Iowa Code]. The district court has no jurisdiction under the deferred judgment provisions to order the expungement of a police department’s arrest record. *State v. Fish, 265 N.W.2d 737 (Iowa 1978)*[under predecessor §789A.1, Iowa Code]. (See above for the method of “expungement” employed by the clerks of court. *Because of the difficulty of obtaining post-expungement records, lawyers are encouraged to obtain certified copies of deferred judgment orders before the files are sealed by the Clerk of Court.*)

- B. Special statutory authority.

1. Public intoxication convictions. Two years after a conviction for first offense public intoxication, a defendant may apply to the court for an order “exonerating the person of the conviction”, if the person has had no other criminal convictions, other than Chapter 321 simple misdemeanor violations during the two-year period. The court shall enter an order exonerating the defendant and ordering the clerk of court to expunge the record of the conviction. *§123.46(5), Iowa Code.*

2. Drug convictions. A person who has no prior state or federal drug convictions and found guilty of drug possession under *§124.401(5)* or an accommodation offense under *124.410*,

Iowa Code, may be eligible to have further proceedings deferred without entry of judgment and to be placed on probation. Upon fulfillment of the terms of probation, the court shall “discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without court adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 124.411.” §124.409(1), *Iowa Code*.

3. Records of arrests and juvenile custody without dispositions. Any computer data relating to an arrest or taking into juvenile custody which has no disposition data after four years shall be removed, unless there is an outstanding arrest warrant or detainer on the charge. §692.16, *Iowa Code*.

C. Pardons. The governor is vested with the right to grant a “reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship.” §914.1, *Iowa Code*; Article IV, §16, *Iowa Constitution*.

A full pardon constitutes a remission of guilt both before and after conviction, forgives the offender, and relieves him from punishment for the crime and from consequences of the crime in the form of disqualifications or disabilities. *Slater v. Olson*, 230 *Iowa* 1005, 299 N.W. 879 (1941).

1. Exception to the right to apply for a pardon. Any person convicted of a criminal offense may seek a pardon, except persons convicted of treason and “cases of impeachment.” Article IV, §16, *Iowa Constitution*. In addition, persons convicted of forcible felonies, felony drug crimes involving a firearm, and felony violations under Chapter 724, *Iowa Code*, may not have their rights to possess or transport firearms restored. §914.7, *Iowa Code*.

2. Application process. Applications [on forms furnished by the Governor’s office] are reviewed by the board of parole. Applications are to be accompanied by letters of recommendation and proof that all court costs, fines and restitution have been paid. The board is required to make a recommendation to the governor. §914.3, *Iowa Code*.

The governor may request information from the court and the prosecution bearing on the propriety of granting a pardon, and may take written or oral testimony relating to the application. *§914.5, Iowa Code*. In addition, the governor is required to notify any registered victim of a violent offense of the convicted person's application; the victim may submit a written opinion concerning the application. *§915.20, Iowa Code*.

The governor shall respond to the recommendation within 90 days of receipt of the recommendation, specifying whether the recommendation will be granted and the reasons for the action. If the governor does not grant the recommendation, the recommendation is to be returned to the board of parole; it may be refilled with the governor at any time. *§914.4, Iowa Code*.

If granted, a copy of the pardon is issued to the person having custody of the applicant (if in custody), and another is to be forwarded to the clerk of court where the judgment was entered. *§914.6, Iowa Code*.

3. Restoration of citizenship, firearm rights. An application to regain one's citizenship rights (rights to vote and hold public office), and firearm rights (by way of "special" restoration of citizenship rights) may also be made through the governor's office.

4. Practical considerations. The constitutional and statutory sections regarding pardons make no specific provision for expungement of criminal records, and provide that the clerk of court only maintain a record of the pardon. *§914.6, Iowa Code*.

The completed application is forwarded to the Division of Criminal Investigation for review of criminal and driving violations and credit history. A DCI agent may also interview the applicant and any person furnishing a letter in support of the application.

Failure to disclose an arrest or conviction on the pardon or rights restoration application may be fatal to favorable consideration by the governor.

The [current] governor will ordinarily not consider a restoration of firearm rights sooner than five years after *discharge* of the sentence; pardon requests ten years after discharge. Action on

either request will take approximately **two years**.

Questions concerning the pardon/rights restoration process may be directed to:

Ms. Kristin Hardt
Legal Assistant
Office of the Governor
State Capitol Building
Des Moines, IA 50319
515-281-5211

ATTACHMENTS:

Iowa Division of Criminal Investigation Non-Law Enforcement
Record Check Request

Iowa Division of Criminal Investigation Non-Law Enforcement
Billing Form

Application for Restoration of Citizenship

Application for Special Restoration of Citizenship (Firearm
Rights), Pardon and Commutation

INSTRUCTIONS FOR RESTORATION OF CITIZENSHIP

Right to Vote and Hold Public Office

Please read carefully

Loss of Citizenship Rights

All persons convicted of an aggravated misdemeanor or a felony have lost their citizenship rights, that is the right to vote and hold public office. After conviction and sentencing, all persons who are United States citizens may apply to the Governor for restoration of citizenship rights, provided you are not incarcerated in a local, state or federal correctional facility. According to law, the Board of Parole will review each application and its recommendation will be submitted to the Governor's Office.

IMPORTANT: PLEASE READ

To increase the speed in which your application will be processed and reviewed, you should attach to your application either a Client Progress Report from your parole or probation officer, containing the officer's original signature, or proof of payment from the Clerk of Court for the county of your conviction verifying that fines, court costs, and court ordered restitution has been paid. It is not necessary that all fines, fees and court-ordered restitution have been paid before the application is submitted to the Governor's Office. However, the Board of Parole will consider the applicant's progress toward satisfying all payments ordered by the court before making its recommendation to the Governor.

These documents and any other significant information you may wish to submit, should be mailed to:

N. Brian Gentry
General Counsel
Governor's Office
State Capitol Building
Des Moines, Iowa 50319
515/281-5211

Loss of Firearms Rights

This is not an application for restoration of firearms rights. If you wish to restore your right to own, possess, or carry a firearm, you will need to obtain and submit a separate application form for firearm restoration. You may obtain an application for restoration of firearms by contacting the Governor's Office at 515/281-5211.

**** PLEASE NOTE: THIS APPLICATION IS A PUBLIC RECORD ****

RELEASE

YOU MUST SIGN AND DATE THIS RELEASE FORM OR YOUR APPLICATION WILL NOT BE PROCESSED

I, _____, the undersigned applicant for executive clemency to the Governor of the State of Iowa, do hereby authorize any and all persons, firms or corporations, to release any and all information or documents they may now have or hereinafter receive concerning me.

I authorize the release of said information to the Governor of the State of Iowa, his designee or agent. In granting this release, it is my understanding that the information or documents obtained will be used for the sole consideration of my application for executive clemency.

I further forever hold blameless those persons, firms, corporations and the Governor's Office, who by virtue of this consent may release information as requested.

A photocopy of this release form will be valid as an original, even though said photocopy does not contain an original writing of my signature.

I have read fully and understand the contents of this application and the authorization for release of personal information.

Signature of Applicant

Print Name of Applicant

Date of Application:

APPLICATION INSTRUCTIONS FOR:

- SPECIAL RESTORATION OF CITIZENSHIP (FIREARMS RIGHTS)
- PARDON
- COMMUTATION

IF YOU DO NOT COMPLETE THE APPLICATION IN FULL, IT WILL BE RETURNED TO YOU WITHOUT PROCESSING.

REQUIREMENTS

You must have paid ALL court costs, fines and restitution before your application will be considered. *Please include receipts verifying your payment of costs, fines and restitution ordered by the court.* The speed in which your application will be processed and considered is directly related to your efforts to provide this information. Proof of payment may be obtained from the clerk of court in the county of your conviction.

Please note: Although you may submit an application at any time, it is the general policy of the Governor's Office to require at least five (5) years to pass from the date that a person is discharged from the sentence on their most recent conviction before granting restoration of firearms rights and ten (10) years to pass from the discharge date for a pardon.

PROCESSING

Each application will be forwarded to the Department of Public Safety, Division of Criminal Investigation for a full review of criminal and traffic violations as well as credit history. If you are interested in obtaining a copy of your criminal history record to aid in filling out your application, you may contact the DCI at 515/281-5138 to request same. Additionally, you will be contacted and interviewed by a DCI agent. Please note that a DCI agent may also contact anyone who is listed on your application as a contact person, reference or who submits a letter of recommendation on your behalf to verify that the information provided is correct. According to law, these materials will be reviewed by the Parole Board, and a board recommendation will be submitted to the Governor's Office.

The special restoration of citizenship (firearms rights) and pardon process will take approximately two years from the time your application is complete.

LETTERS OF RECOMMENDATION

You are strongly encouraged to provide letters of recommendation from the following people at the time you submit your application:

1. Prosecuting Attorney in your case
2. Sentencing Judge in your case
3. County Sheriff in your case or where you currently reside.
4. Minister (if applicable)
5. Present and/or former employer
6. Other reputable persons in the community who can testify as to the moral character and good behavior of the applicant.

If you are unable to obtain letters of recommendation from the afore-mentioned individuals due to factors beyond your control (retirement, relocation, deceased, etc.) please include an explanation of same on your application.

You are encouraged to obtain as many letters of recommendation as possible, and should, if possible, talk to each letter writer personally and pick up each letter. Letters of recommendation must reference that the letter writer is aware you are seeking the restoration of firearms rights, a pardon, and/or a commutation. You may provide each letter writer with a copy of these instructions. After you have fully completed the application and have obtained the letters of recommendation, you may forward all documents to the Governor's Office, Attention: N. Brian Gentry, General Counsel, State Capitol Building, Des Moines, Iowa, 50319.

STATE VS. FEDERAL CHARGES

Persons who are convicted of a state crime need only seek relief from the Governor when applying for special restoration of citizenship (firearms rights).

Persons who are convicted of a federal crime must first apply to the Governor for special restoration of citizenship (firearms rights). After the Governor has issued a special restoration of citizenship (firearms rights), it is necessary to apply for and obtain a "Relief of Disability" from the U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms, before a person convicted of a federal crime can legally own, carry or possess a firearm. In order to obtain an application, write to:

Director, Bureau of Alcohol, Tobacco and Firearms
U.S Treasury Department
Washington, DC 20044
ATTENTION: Relief Section.

LOSS OF CITIZEN SHIP RIGHTS (Right to Vote and Hold Public Office)

This is not an application for restoration of your citizenship rights which include your right to vote and hold public office. If you have not received a restoration of your citizenship rights and you would like to apply, you must obtain and submit a separate application. You may obtain an Application for Restoration of Citizenship by contacting the Governor's Office at 515/281-5211.

RETURN YOUR COMPLETED APPLICATION TO:

N. Brian Gentry
General Counsel
Governor's Office
State Capitol Building
Des Moines, IA 50319

If you have any questions with regard to this application, please contact the Governor's Office at 515/281-5211.

CHECKLIST FOR APPLICANT'S USE

FAILURE TO INCLUDE ALL INFORMATION OR MATERIALS LISTED IN THIS CHECKLIST MAY DISQUALIFY YOUR APPLICATION FROM CONSIDERATION BY THIS OFFICE!

1. _____ **Proof of payment of court costs, fines and restitution.**
2. _____ **Completed, signed and dated application.**
3. _____ **Letters of recommendation from:**
 - a. _____ **Prosecuting Attorney**
 - b. _____ **Sentencing Judge**
 - c. _____ **County Sheriff**
 - d. _____ **Minister (if applicable)**
 - e. _____ **Present and/or former employer**
 - f. _____ **Other reputable persons in the community who can testify as to the moral character and good behavior of the applicant**

20. Was any restitution ordered? Yes _____ No _____
Amount to be paid: _____ Amount you have paid: _____
21. Attorney's fees: _____ Amount you paid: _____
22. Court costs owed: _____ Amount you paid: _____
23. Address at time charged and convicted: _____

24. Provide the following information about your employment since your conviction. List your present job first. Attach additional sheets when necessary.

- a. Name, address and phone number of present employer: _____

Immediate Supervisor: _____

What is your trade or job description: _____

Dates of employment: _____

- b. Name, address and phone number of previous employer: _____

Immediate Supervisor: _____

What was your trade or job description: _____

Dates of employment: _____

- c. Name, address and phone number of previous employer: _____

Immediate Supervisor: _____

What was your trade or job description: _____

Dates of employment: _____

- d. Name, address and phone number of previous employer: _____

Immediate Supervisor: _____

What was your trade or job description: _____

Dates of employment: _____

e. Name, address and phone number of previous employer: _____

Immediate Supervisor: _____

What was your trade or job description: _____

Dates of employment: _____

25. Have you ever been **arrested, charged or convicted** at any other time? (You must answer this question even if you received a deferred judgment. If you were a juvenile at the time of your conviction, what was the disposition of the case? Were the records sealed?)

26. If the answer to Question #25 is yes, provide the following information for **each** offense. Use attached sheets if necessary:

a. Crime or offense: _____

b. Date of offense: _____

c. Sentence received: _____

d. Terms of sentence: _____

e. County and state where convicted or charged: _____

f. Place and dates of incarceration and/or dates of probation or parole: _____

g. Name, address and phone numbers of:

(1) Prosecuting attorney: _____

(2) Counselor at institution: _____

(3) Parole or probation officer: _____

h. Amount of restitution, court costs and attorney's fees ordered and amount paid:

(1) Restitution ordered: _____ Amount paid: _____

(2) Court Costs ordered: _____ Amount paid: _____

(3) Attorney's fees ordered: _____ Amount paid: _____

27. Have you ever been addicted to or abused alcohol or drugs of any type?

28. If so, please state:

a. Kind of addiction or abuse: _____

b. Dates of addiction or abuse: _____

c. Description of help received and dates: _____

29. Marital status at present, include spouse's name, address and phone number if other than your own:

30. List names and present addresses of any previous spouses and dates of divorce or separation: _____

31. Names and ages of dependents presently living with you:

32. Names, ages and addresses of dependents not living with you:

33. If divorced, list any alimony or child support payments you were ordered to make:

34. Amount of alimony or child support you are presently paying: _____

35. Are you or any of your dependents now receiving any public assistance (welfare benefits, Social Security, disability, etc.)? If so, state reason: _____

36. Amount of public assistance being received per month: _____
37. What was your marital status at the time of your conviction?

38. Have you made a previous application for executive clemency (citizenship, firearms or pardon)? _____
39. If answer to #38 above is yes, when and in what state? _____

40. Provide a brief description of your lifestyle by listing organizations you belong to, hobbies and special interests:

41. List all honors, awards or achievements which you have accomplished since your conviction:

42. List all community service or volunteer service projects that you have participated in since your conviction: _____

a. Provide names, phone numbers and address of all contact persons affiliated with the above listed volunteer service or community service projects:

Name: _____

Address: _____

Phone No. _____

Name: _____

Address: _____

Phone No. _____

Name: _____

Address: _____

Phone No. _____

43. Provide the names, addresses and phone numbers of three persons (not relatives or convicted felons) who know you well and would serve as references:

a. Name: _____

Address: _____

Phone No. _____

b. Name: _____

Address: _____

Phone No. _____

c. Name: _____

Address: _____

Phone No. _____

44. Did you file federal and state income tax returns for the following years?

a. 1996? _____ Yes _____ No

If you did not file either the federal or state tax return or both, please explain which returns(s) you did not file and why.

b. 1997? _____ Yes _____ No

If you did not file either the federal or state tax return or both, please explain which returns(s) you did not file and why.

c. 1998? _____ Yes _____ No

If you did not file either the federal or state tax return or both, please explain which returns(s) you did not file and why.

RELEASE

YOU MUST SIGN AND DATE THIS RELEASE FORM OR YOUR APPLICATION WILL NOT BE PROCESSED

I, _____, the undersigned applicant for executive clemency to the Governor of the State of Iowa, do hereby authorize any and all persons, firms or corporations, to release any and all information or documents they may now have or hereinafter receive concerning me.

I authorize the release of said information to the Governor of the State of Iowa, his designee or agent. In granting this release, it is my understanding that the information or documents obtained will be used for the sole consideration of my application for executive clemency.

I further forever hold blameless those persons, firms, corporations and the Governor's Office, who by virtue of this consent may release information as requested.

A photocopy of this release form will be valid as an original, even though said photocopy does not contain an original writing of my signature.

I have read fully and understand the contents of this application and the authorization for release of personal information.

Signature of Applicant

Print Name of Applicant

Date of Application:
