

House File 548 - Reprinted

HOUSE FILE 548
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 43)

(As Amended and Passed by the House March 22, 2023)

A BILL FOR

1 An Act relating to court records for residential forcible
2 entry and detainer actions and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 648.22, Code 2023, is amended to read as
2 follows:

3 **648.22 Judgment — execution — costs — sealing of court**
4 **records.**

5 1. If the defendant is found guilty, judgment shall be
6 entered that the defendant be removed from the premises, and
7 that the plaintiff be put in possession of the premises, and an
8 execution for the defendant's removal within three days from
9 the judgment shall issue accordingly, to which judgment for
10 costs shall be entered in the judgment docket and lien index,
11 and to which shall be added a clause commanding the officer to
12 collect the costs as in ordinary cases.

13 2. In a residential forcible entry and detainer action,
14 the court records of the action shall be sealed not later than
15 three days from the date of the order, if any of the following
16 occurs:

17 a. The defendant is found not guilty.

18 b. The case is dismissed.

19 c. The plaintiff does not appear for the hearing.

20 3. In a residential forcible entry and detainer action, the
21 court shall enter an order sealing the court records of the
22 action not later than three days from the date of the order
23 if, by motion or upon the court's own determination, the court
24 finds there is no genuine issue of material fact between the
25 parties.

26 4. Upon application of a defendant found guilty in a
27 residential forcible entry and detainer action for nonpayment
28 of rent, the court shall enter an order sealing the record of
29 the action, the existence of the petition, all filings and
30 documentation within the case file, and any associated writs of
31 execution, if all of the following conditions are met:

32 a. More than seven years have passed since the date of the
33 finding of guilt.

34 b. The applicant has not been found guilty in a subsequent
35 forcible entry and detainer action in the five-year period

1 directly preceding the application.

2 c. The applicant has not previously been granted a sealing
3 of a finding of guilt under this chapter within ten years prior
4 to the application.

5 d. The applicant has paid all court costs, fees, fines, and
6 any other financial obligation ordered by the court or assessed
7 by the clerk of the district court in the case.

8 5. The application to seal the record of the action shall be
9 included in the record the defendant wishes to seal, using a
10 form prescribed by the supreme court.

11 6. In a residential forcible entry and detainer action for
12 nonpayment of rent in which the defendant is found guilty, the
13 court shall enter an order sealing the record of the action,
14 the existence of the petition, all filings and documentation
15 within the case file, and any associated writs of execution, if
16 all of the following conditions are met:

17 a. The application is filed jointly by the plaintiff and
18 defendant.

19 b. The defendant applicant has paid all court costs, fees,
20 fines, and any other financial obligation ordered by the court
21 or assessed by the clerk of the district court in the case.

22 7. Upon sealing, the existence of the petition, all filings
23 and documentation within the case file, and any associated
24 writs of execution shall be removed from any publicly
25 accessible location under the direction of the judicial branch
26 or county, as applicable. The clerk of court shall enter
27 satisfaction of judgment in the judgment docket and lien index.
28 Notwithstanding chapter 22, records sealed upon satisfaction
29 of the requirements specified in this section shall not be
30 available for public inspection except in one of the following
31 manners:

32 a. Upon request by the defendant or the attorney for the
33 defendant by filing a motion in the sealed case.

34 b. Upon application to the judicial branch using a form
35 prescribed by the supreme court for scholarly, educational,

1 journalistic, or governmental purposes only, provided that in
2 all cases, the names of minor children shall remain sealed
3 at all times, and that the names and personally identifiable
4 information of all persons named as defendants or included in
5 the plaintiff's petition shall be redacted and remain sealed
6 unless the court determines that release of such information is
7 necessary to fulfill the scholarly, educational, journalistic,
8 or governmental purpose of the request.

9 c. State court administration shall maintain a record in
10 the aggregate of all filings and the final disposition of any
11 such actions, to include dismissal, default judgment, and writs
12 associated with disposition. State court administration shall
13 make available to the public and report annually such aggregate
14 information in such a manner prescribed by the supreme court as
15 to protect the identity of the parties while still providing
16 the public with information regarding eviction proceedings.

17 8. Subsections 4 through 7 do not apply to a money judgment
18 awarded for an action that was filed with a forcible entry
19 and detainer action or arising from the same set of facts and
20 circumstances.

21 9. Subsections 3 through 7 do not create an independent
22 cause of action by a tenant for use of lawfully obtained
23 information.

24 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2024.