

House File 770 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 91)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to judicial branch records and providing
2 effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1404HV 83
5 rh/rj/8

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1 1 Section 1. NEW SECTION. 22.0A PURPOSE.
1 2 The purpose of this chapter is to provide as much
1 3 transparency in government operations as possible consistent
1 4 with the need to avoid undue invasions of personal privacy and
1 5 the need to avoid significant interference with the
1 6 achievement of other important and legitimate state
1 7 objectives.
1 8 Sec. 2. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.
1 9 This chapter does not apply to government records owned,
1 10 created, possessed, or under the control of the judicial
1 11 branch. The supreme court shall prescribe rules governing
1 12 access to such records consistent with the provisions of this
1 13 chapter.
1 14 Sec. 3. Section 252B.24, subsection 2, paragraph b, Code
1 15 2009, is amended to read as follows:
1 16 b. Provision to the unit of information filed with the
1 17 clerk of the district court by a party under section 598.22B-
~~1 18 and the social security number of a child filed with the clerk~~
~~1 19 of the district court under section 602.6111.~~
1 20 Sec. 4. NEW SECTION. 602.1615 JUDICIAL BRANCH RECORDS.
1 21 1. The supreme court shall prescribe rules regarding the
1 22 creation, storage, retention, duplication, reproduction, final
1 23 disposition, destruction, public availability, and security of
1 24 records of the judicial branch of government.
1 25 2. As used in this section, unless the context otherwise
1 26 requires:
1 27 a. "Administrative records" means all records other than
1 28 court records made or received pursuant to court rule or state
1 29 law, or in connection with the transaction of official
1 30 business of any judicial branch entity.
1 31 b. "Court records" means all contents of the court file,
1 32 including the docket and other similar records generated to
1 33 document activity in a case, transcripts filed with the clerk,
1 34 documentary exhibits in the custody of the clerk, and
1 35 electronic or digital recordings, videotapes, and stenographic
2 1 tapes of court proceedings produced by means authorized by the
2 2 supreme court.
2 3 c. "Records" means records, regardless of physical form,
2 4 characteristics, or means of transmission, made or received in
2 5 connection with the transaction of official business of the
2 6 judicial branch of government, consisting of court records and
2 7 administrative records.
2 8 Sec. 5. Section 602.8103, subsections 2 and 3, Code 2009,
2 9 are amended by striking the subsections.
2 10 Sec. 6. Section 607A.47, Code 2009, is amended to read as
2 11 follows:
2 12 607A.47 JUROR QUESTIONNAIRE.
2 13 The court may, on its own motion, or upon the motion of a
2 14 party to the case or upon the request of a juror, order the
2 15 sealing or partial sealing of a completed juror questionnaire,
2 16 if the court finds that it is necessary to protect the safety
2 17 or privacy of a juror or a family member of a juror, including
~~2 18 the safety or privacy of a juror or a juror's family member~~

2 19 who has been the victim of sexual or domestic abuse.

2 20 Sec. 7. Section 602.6111, Code 2009, is repealed.

2 21 Sec. 8. EFFECTIVE DATE.

2 22 1. Except as provided in subsection 2, this Act takes
2 23 effect January 1, 2010.

2 24 2. The section of this Act amending section 607A.47 takes
2 25 effect July 1, 2009.

2 26 EXPLANATION

2 27 This bill relates to judicial branch records and provides
2 28 an effective date.

2 29 The bill provides that the provisions of Code chapter 22
2 30 (Iowa's open records law, relating to the regulation of
2 31 records of a government body as defined in that chapter) do
2 32 not apply to government records owned, created, possessed, or
2 33 under the control of the judicial branch related to the
2 34 performance by the courts of their judicial functions, however
2 35 the supreme court shall prescribe rules governing access to
3 1 such records consistent with the purposes of Code chapter 22.
3 2 The bill provides that the purpose of Code chapter 22 is to
3 3 provide as much transparency in government operations as
3 4 possible consistent with the need to avoid undue invasions of
3 5 personal privacy and the need to avoid significant
3 6 interference with the achievement of other important and
3 7 legitimate state objectives.

3 8 The bill provides that the supreme court shall prescribe
3 9 rules regarding the creation, storage, retention, duplication,
3 10 reproduction, final disposition, destruction, public
3 11 availability, and security of records of the judicial branch
3 12 of government. The bill defines a judicial branch record as a
3 13 record, regardless of physical form, characteristic, or means
3 14 of transmission, made or received in connection with the
3 15 transaction of official business of the judicial branch of
3 16 government, consisting of court records and administrative
3 17 records. "Administrative record" means all records other than
3 18 court records made or received pursuant to court rule or state
3 19 law, or in connection with the transaction of official
3 20 business of any judicial branch entity, and "court record"
3 21 means all contents of the court file, including the docket and
3 22 other similar records generated to document activity in a
3 23 case, transcripts filed with the clerk, documentary exhibits
3 24 in the custody of the clerk, and electronic or digital
3 25 recordings, videotapes, and stenographic tapes of court
3 26 proceedings produced by means authorized by the supreme court.

3 27 The bill eliminates certain discretionary powers of a clerk
3 28 of court relating to certain methods of reproduction and
3 29 destruction of original court records.

3 30 The bill provides that the court may, on its own motion, or
3 31 upon the motion of a party to the case or upon the request of
3 32 a juror, order the sealing or partial sealing of a completed
3 33 juror questionnaire, if the court finds that it is necessary
3 34 to protect the safety or privacy of a juror or a family member
3 35 of a juror, including the safety or privacy of a juror or a
4 1 juror's family member who has been the victim of sexual or
4 2 domestic abuse.

4 3 The bill repeals a Code section requiring that certain
4 4 identification information be filed with the clerk of the
4 5 district court including social security numbers.

4 6 The bill takes effect on January 1, 2010, except that the
4 7 section of the bill relating to the sealing of juror
4 8 questionnaires takes effect on July 1, 2009.

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