

House File 581 - Introduced

HOUSE FILE 581

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 323)

A BILL FOR

- 1 An Act relating to the confidentiality of search warrant
- 2 information in a criminal case resulting in an acquittal or
- 3 a dismissal.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 808.13, Code 2017, is amended to read as
2 follows:

3 **808.13 Confidentiality.**

4 1. All Except as otherwise provided in subsection 2, all
5 information filed with the court for the purpose of securing
6 a warrant for a search, including but not limited to an
7 application and affidavits, shall be a confidential record
8 until such time as a peace officer has executed the warrant
9 and has made return thereon. During the period of time that
10 information is confidential it shall be sealed by the court,
11 and the information contained therein shall not be disseminated
12 to any person other than a peace officer, magistrate, or
13 another court employee, in the course of official duties.

14 2. a. All information filed with the court for the purpose
15 of securing a warrant for a search or seizure of property in
16 a criminal case that results in an acquittal or the dismissal
17 of all criminal charges, including a dismissal relating to a
18 deferred judgment under section 907.9, upon such acquittal or
19 dismissal, shall be a confidential record, shall be sealed by
20 the court, and shall not be disseminated to any person other
21 than a peace officer, county attorney, magistrate, or another
22 court employee, in the course of official duties.

23 b. This subsection shall only apply to a warrant identifying
24 one defendant and not multiple defendants.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the confidentiality of search warrant
29 information in a criminal case resulting in an acquittal or a
30 dismissal.

31 Under current law, all information filed with the court for
32 the purpose of securing a search warrant is a confidential
33 record until a peace officer has executed the warrant and
34 has filed a return of service with the court. During the
35 confidentiality period, the information shall be sealed by the

1 court and the information cannot be disseminated to any person
2 other than a peace officer, county attorney, magistrate, or
3 another court employee, in the course of official duties.

4 The bill provides that all information filed with the court
5 for the purpose of securing a warrant for a search or seizure
6 of property in a criminal case that results in an acquittal or
7 the dismissal of all criminal charges, including a dismissal
8 relating to a deferred judgment under Code section 907.9, upon
9 such acquittal or dismissal, shall be a confidential record,
10 shall be sealed by the court, and shall not be disseminated to
11 any person other than a peace officer, magistrate, or another
12 court employee, in the course of official duties. The bill
13 only applies to a warrant identifying one defendant and not
14 multiple defendants.