

House File 265 - Introduced

HOUSE FILE 265
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 5)

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 2019, 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. If no criminal charges have
10 been filed within six months of the return of the warrant,
11 the warrant shall be sealed by the court. During the period
12 of time that information is confidential it shall be sealed
13 by the court, and the information contained therein shall not
14 be disseminated to any person other than a peace officer,
15 magistrate, or another court employee, in the course of
16 official duties.

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

26 EXPLANATION

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

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

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

1 confidentiality period, the information shall be sealed by
2 the court and the information cannot be disseminated to any
3 person other than a peace officer, county attorney, magistrate,
4 or another court employee, in the course of official duties.
5 The bill provides that if no criminal charges have been filed
6 within six months of the return of the warrant, the warrant
7 shall be sealed by the court.

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