

House File 2435 - Introduced

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A BILL FOR

1 An Act relating to court records of actions that have been
2 found to be frivolous and actions for slander or libel.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 624B.1 Expungement — sealing of
2 court records.

3 1. In an action that has been found to be frivolous or
4 an action for slander or libel, the court shall enter an
5 order sealing the court records of the action not later than
6 three days from the date of the hearing, or from the date the
7 hearing would have been held as provided by law, if any of the
8 following occurs:

9 a. The defendant is found not liable.

10 b. By motion or upon the court's own determination, the
11 court finds there is no genuine issue of material fact between
12 the parties.

13 c. The court dismisses the plaintiff's claim.

14 d. The plaintiff withdraws the claim.

15 e. The plaintiff does not appear for the hearing.

16 f. Both parties consent to the order.

17 2. Upon application of a defendant who was found liable
18 in an action for slander or libel, the court shall enter an
19 order sealing the record of the action, the existence of the
20 petition, all filings and documentation within the case file,
21 and any associated writs of execution, if all of the following
22 conditions are met:

23 a. More than three years have passed since the date of the
24 finding of liability.

25 b. The applicant has not been found liable in a subsequent
26 action for slander or libel in the three-year period directly
27 preceding the application.

28 c. The applicant has not previously been granted a sealing
29 of a finding of liability under this chapter within ten years
30 prior to the application.

31 3. The application to seal the record of the action shall be
32 included in the record the defendant wishes to seal, using a
33 form prescribed by the supreme court.

34 4. Upon sealing, the existence of the petition, all filings
35 and documentation within the case file, and any associated

1 writs of execution shall be removed from any publicly
2 accessible location under the direction of the judicial branch
3 or county, as applicable. Notwithstanding chapter 22, records
4 sealed upon satisfaction of the requirements specified in this
5 section shall not be available for public inspection except as
6 provided in subsection 5.

7 5. The clerk of court in the county in which an action is
8 originated shall maintain a record in the aggregate of all
9 filings and the final disposition of any such actions, to
10 include dismissal, default judgment, and writs associated with
11 disposition. The clerk of court shall make available to the
12 public and report annually such aggregate information in such
13 a manner prescribed by the supreme court as to protect the
14 identity of the parties while still providing the public with
15 information regarding eviction proceedings in the county.

16 6. Upon sealing, the clerk of court shall not disclose the
17 existence of, or information regarding, an action that has been
18 found to be frivolous or an action for slander or libel sealed
19 or made confidential under this section.

20 EXPLANATION

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

23 This bill relates to sealing court records of an action that
24 has been found to be frivolous or an action for slander or
25 libel.

26 The bill provides that a court shall seal the court records
27 of an action that has been found to be frivolous or an action
28 for slander or libel not later than three days from the date
29 of the hearing if any of the following have occurred: the
30 defendant is found not liable, the court finds there is no
31 genuine issue of material fact between the parties or dismisses
32 the plaintiff's claim, the plaintiff withdraws the claim, the
33 plaintiff does not appear for the hearing, or if by consent of
34 both parties.

35 The bill provides that upon application of a defendant found

1 liable in an action for slander or libel, the court shall
2 seal the court records if more than three years have passed
3 since disposition, the applicant has not been found liable in
4 subsequent slander or libel action in the three-year period
5 preceding the application, and the applicant within the last 10
6 years has not been granted a sealing of an action for slander
7 or libel. The application to seal shall be included in the
8 sealed court records.

9 The bill provides that upon sealing of court records,
10 all filings, documentation, and writs of association shall
11 be removed from any publicly accessible location. Court
12 records sealed shall not be available for public inspection.
13 However, the clerk of court in the county in which an action
14 is originated shall maintain a record in the aggregate of all
15 filings and make such information available to the public in
16 such a manner prescribed by the supreme court as to protect the
17 identity of the parties while still providing the public with
18 information relating to an action that has been found to be
19 frivolous or for slander or libel in the county.

20 The bill provides that upon sealing the clerk of court shall
21 not disclose the existence of, or information regarding, an
22 action for slander or libel or other civil action sealed or
23 made confidential under the bill.