

Senate Study Bill 1127 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
SCHULTZ)

A BILL FOR

- 1 An Act relating to the sealing of juvenile court records, and
- 2 including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.150, subsection 1, Code 2025, is
2 amended to read as follows:

3 1. ~~a. In the case of an adjudication of delinquency, the A~~
4 court shall upon its own motion schedule a sealing of records
5 hearing to be held two years after the date of the last official
6 action relating to a complaint or petition alleging delinquency,
7 or the date the child a person subject to a complaint or petition
8 alleging delinquency becomes eighteen years of age, whichever
9 is later. ~~The court shall also schedule a sealing of records~~
10 ~~hearing upon application of a person who was the subject of a~~
11 ~~complaint or petition alleging delinquency that did not result~~
12 ~~in an adjudication.~~ The court, after hearing, shall order the
13 official juvenile court records in the case sealed, including
14 those specified in sections 232.147, 232.149, 232.149A, 232.149B,
15 and 915.25, sealed if the court finds all of the following:

16 (1) ~~The person is eighteen years of age or older and two~~
17 ~~years have elapsed since the last official action in the person's~~
18 ~~case.~~

19 (2) ~~The person has not been subsequently convicted of a~~
20 ~~felony or an aggravated or serious misdemeanor or adjudicated~~
21 ~~a delinquent child for an act which if committed by an adult~~
22 ~~would be a felony, an aggravated misdemeanor, or a serious~~
23 ~~misdemeanor and no proceeding is pending seeking such conviction~~
24 ~~or adjudication.~~

25 (3) ~~The person was not placed on youthful offender status,~~
26 ~~transferred back to district court after the youthful offender's~~
27 ~~eighteenth birthday, and sentenced for the offense which~~
28 ~~precipitated the youthful offender placement.~~

29 (4) ~~The person was not adjudicated delinquent on an offense~~
30 ~~involving a violation of section 321J.2.~~

31 b. If the court enters an order dismissing a complaint or
32 petition alleging delinquency, the court shall also enter an
33 order sealing all official juvenile court records in the case
34 including those specified in sections 232.147, 232.149, 232.149A,
35 232.149B, and 915.25.

1 ~~b.~~ c. If the person was adjudicated delinquent for an
2 offense which if committed by an adult would be an aggravated
3 misdemeanor or a felony, the court shall ~~not~~ order the records in
4 the case sealed unless, ~~upon application of the person or upon~~
5 ~~the court's own motion and~~ the state files an objection. If
6 the state files an objection, the court shall set a hearing on
7 the matter. If, after hearing, the court finds that paragraph
8 "a", subparagraphs (1) and (2), apply and that the sealing is in
9 the best interests of the person and the public, the court shall
10 order the records in the case sealed.

11 d. If the person has been subsequently convicted of a felony,
12 an aggravated misdemeanor, or a serious misdemeanor, the court
13 shall not order the records in the case sealed unless, upon
14 application of the person or upon the court's own motion and
15 after hearing, the court finds that sealing is in the best
16 interests of the person and the public.

17 ~~e.~~ e. If the person is required to pay monetary restitution
18 to a victim due to a delinquent act and the restitution is
19 unpaid, the records in the case may be sealed, but the name of
20 the court, the title of the action, and the court's file number
21 shall remain unsealed as provided in section 910.10 and the
22 restitution amount shall be a judgment and lien as provided in
23 sections 910.7A, 910.8, 910.10, and 915.28 until the restitution
24 is paid in full.

25 Sec. 2. Section 232.150, Code 2025, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 7. This section shall not be interpreted to
28 preclude the court from scheduling a sealing of records hearing
29 upon application of a person who was the subject of a complaint
30 or petition alleging delinquency.

31 Sec. 3. DISTRICT COURT — SEALING OF JUVENILE RECORDS.

32 1. The supreme court shall establish guidance and timelines
33 for each district court to identify and seal all juvenile court
34 records for cases that commenced prior to the effective date of
35 this Act that are eligible to be sealed pursuant to this Act.

1 District courts shall endeavor to seal each record within one
2 year of the date the record is identified as eligible to be
3 sealed pursuant to this Act.

4 2. A person shall not have a cause of action for damages as
5 a result of the district court's failure to identify and seal a
6 juvenile court record pursuant to subsection 1.

7 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
8 importance, takes effect upon enactment.

9 EXPLANATION

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

12 This bill relates to the sealing of juvenile court records
13 (records).

14 Under current law, a court is required to hold a hearing to
15 seal records relating to an adjudication of delinquency two years
16 after the last official action in the matter or when the person
17 adjudicated to have committed a delinquent act reaches 18 years
18 of age, whichever is later. Persons not adjudicated delinquent
19 must apply to the court to have the person's records sealed.

20 The bill requires a court to hold a hearing upon its own
21 motion to seal the records of a person who was the subject of
22 a complaint or petition alleging delinquency (petition) two years
23 after the last official action in the matter or when the person
24 subject to the petition reaches 18 years of age, whichever is
25 later.

26 The bill allows a person adjudicated delinquent for operating
27 while under the influence of alcohol or a drug while having an
28 alcohol concentration of .08 or more to have the person's records
29 sealed.

30 The bill requires a court that issues an order dismissing a
31 petition to also enter an order sealing all official juvenile
32 court records in the case, including those specified in Code
33 sections 232.147 (confidentiality of juvenile court records),
34 232.149 (records of criminal or juvenile justice agencies, intake
35 officers, and juvenile court officers), 232.149A (confidentiality

1 orders), 232.149B (public records orders), and 915.25 (right to
2 review complaint against juvenile).

3 Under current law, a person adjudicated delinquent for an
4 offense which if committed by an adult would be an aggravated
5 misdemeanor or felony cannot have the person's records sealed
6 unless the court finds that the person is at least 18 years
7 of age and has not been subsequently convicted of a felony, an
8 aggravated misdemeanor, or a serious misdemeanor, adjudicated a
9 delinquent child for an act which if committed by an adult would
10 be a felony, an aggravated misdemeanor, or a serious misdemeanor,
11 or has a pending proceeding seeking such a conviction or
12 adjudication. The bill requires the sealing of records of a
13 person adjudicated delinquent for an offense which if committed
14 by an adult would be an aggravated misdemeanor or felony unless
15 the state files an objection. If the state files an objection,
16 the court must set a hearing to determine if sealing the records
17 is in the best interests of the person and the public.

18 The bill allows a person who, after being subject to a
19 petition, was convicted of a felony, an aggravated misdemeanor,
20 or a serious misdemeanor, to have the person's records sealed if
21 the court finds at a hearing that sealing the records is in the
22 best interests of the person and the public.

23 The bill's provisions shall not be interpreted to preclude the
24 district court from scheduling a sealing of records hearing upon
25 application of a person who was the subject of a petition.

26 The bill directs the supreme court to establish guidance
27 and timelines for each district court to identify and seal all
28 juvenile court records for cases that commenced prior to the
29 bill's effective date that are eligible to be sealed pursuant
30 to the bill. District courts must endeavor to seal each record
31 within one year of the date the record is identified as eligible
32 to be sealed pursuant to the bill. A person does not have a
33 cause of action for damages as a result of the district court's
34 failure to identify and seal a juvenile court record.

35 The bill makes conforming changes.

S.F. _____

1 The bill is effective upon enactment.

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