

**House File 820 - Reprinted**

HOUSE FILE 820  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 257)

(As Amended and Passed by the House March 25, 2021)

**A BILL FOR**

- 1 An Act relating to court records for residential forcible entry
- 2 and detainer actions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 648.22, Code 2021, is amended to read as  
2 follows:

3 **648.22 Judgment — execution — costs — sealing of court**  
4 **records.**

5 1. If the defendant is found guilty, judgment shall be  
6 entered that the defendant be removed from the premises, and  
7 that the plaintiff be put in possession of the premises, and  
8 an execution for the defendant's removal within three days  
9 from the judgment shall issue accordingly, to which shall be  
10 added a clause commanding the officer to collect the costs as  
11 in ordinary cases.

12 2. In a residential forcible entry and detainer action the  
13 court shall enter an order sealing the court records of the  
14 action not later than three days from the date of the hearing,  
15 or from the date the hearing would have been held as provided  
16 by law, if any of the following occurs:

17 a. The defendant is found not guilty.

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

21 c. The case is dismissed.

22 d. The plaintiff does not appear for the hearing.

23 3. Upon application of a defendant found guilty in a  
24 residential forcible entry and detainer action for nonpayment  
25 of rent, the court shall enter an order sealing the record of  
26 the action, the existence of the petition, all filings and  
27 documentation within the case file, and any associated writs of  
28 execution, if all of the following conditions are met:

29 a. More than three years have passed since the date of the  
30 finding of guilt.

31 b. The applicant has not been found guilty in a subsequent  
32 forcible entry and detainer action in the three-year period  
33 directly preceding the application.

34 c. The applicant has not previously been granted a sealing  
35 of a finding of guilt under this chapter within ten years prior

1 to the application.

2 d. The applicant has paid all court costs, fees, fines, and  
3 any other financial obligation ordered by the court or assessed  
4 by the clerk of the district court in the case.

5 4. The application to seal the record of the action shall be  
6 included in the record the defendant wishes to seal, using a  
7 form prescribed by the supreme court.

8 5. Upon sealing, the existence of the petition, all filings  
9 and documentation within the case file, and any associated  
10 writs of execution shall be removed from any publicly  
11 accessible location under the direction of the judicial branch  
12 or county, as applicable. Notwithstanding chapter 22, records  
13 sealed upon satisfaction of the requirements specified in this  
14 section shall not be available for public inspection except in  
15 one of the following manners:

16 a. Upon request by the defendant or the attorney for the  
17 defendant by filing a motion in the sealed case.

18 b. Upon application to the judicial branch using a form  
19 prescribed by the supreme court for scholarly, educational,  
20 journalistic, or governmental purposes only, provided that in  
21 all cases, the names of minor children shall remain sealed  
22 at all times, and that the names and personally identifiable  
23 information of all persons named as defendants or included in  
24 the plaintiff's petition shall be redacted and remain sealed  
25 unless the court determines that release of such information is  
26 necessary to fulfill the scholarly, educational, journalistic,  
27 or governmental purpose of the request.

28 c. The clerk of court in the county in which an action is  
29 originated shall maintain a record in the aggregate of all  
30 filings and the final disposition of any such actions, to  
31 include dismissal, default judgment, and writs associated with  
32 disposition. The clerk of court shall make available to the  
33 public and report annually such aggregate information in such  
34 a manner prescribed by the supreme court as to protect the  
35 identity of the parties while still providing the public with

1 information regarding eviction proceedings in the county.

2 6. Upon sealing, a consumer reporting agency shall  
3 not disclose the existence of, or information regarding,  
4 an eviction action or other civil action sealed or made  
5 confidential under this section or use such action as a factor  
6 to determine any score or recommendation to be included in a  
7 consumer report regarding any person named in such case.

8 7. This section shall not apply to a money judgment awarded  
9 for an action that was filed with a forcible entry and detainer  
10 action or arising from the same set of facts and circumstances.