



Iowa General Assembly

2011 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

EXPUNGEMENT OF ELECTRONIC COURT RECORDS

Filed by the Iowa Supreme Court

July 15, 2011

Judicial Branch and State Court Administrator v. Iowa District Court for Linn County

No. 10-0163

http://www.iowacourtsonline.org/Supreme_Court/Recent_Opinions/20110715/10-0163.pdf

Background. The Judicial Branch and the State Court Administrator filed a petition for certiorari contending the district court acted illegally when it ordered that information about a criminal case that was ultimately dismissed be removed from the statewide computerized docket system contained in the Iowa Court Information System (ICIS) and the Iowa Courts Online website.

Issues. Whether Iowa law (Code §692.17) or the Iowa Constitution requires removal from Iowa's statewide computerized docket system all information relating to criminal cases that result in an acquittal or a dismissal.

Analysis.

- 1. Conflicting Statutory Provisions.** The Court discussed the background and purposes of several conflicting statutory provisions relating to public access to criminal court records in Iowa: (1) Code §692.17(1) (criminal history data in a computer data storage system shall not include disposition data after a defendant has been acquitted or the charges dismissed); (2) Code §692.17(2)(a) (requiring the retention of "source" documents in adult criminal cases); (3) Code §692.18(1) (general public records provision allowing public access to public agency records); Code §22.7(9) (allowing public access to arrest and criminal history data records); and Code §602.8104 (requiring clerks of court to create and maintain a court docket record book). The Court's task was thus to harmonize these conflicting statutory provisions, taking into account the history and purpose of Iowa's Criminal History Data Act (Code Chapter 692) and the court docket system in Iowa and the overall goal of providing public access to criminal history data.

Applying the rules of statutory construction, the Court concluded that the legislature did not intend for the judicial branch to purge from its official docket all criminal cases that ended in the defendant's favor. As the computerized docket on ICIS and Iowa Courts Online is the only version of the docket in existence, by erasing information about that docket, the judicial branch would be acting contrary to the law that requires a docket to be kept of each proceeding in each case. In addition, the computerized docket has independent legal significance and is the source of other records, such as the record on appeal, and is therefore a source document whose retention is required under the law. The Court further concluded that public access to official court records should be preserved even if a criminal defendant is acquitted or has had the charges dismissed. In other words, although the law requires criminal history data in a computer data storage system to be deleted, it should not be done so in a way that defeats public access to existing court records, including the court docket.

- 2. Equal Protection.** In response to the plaintiff's equal protection argument that it is unfair to treat recipients of a deferred judgment (criminal case not open to the public in deferred judgment cases) different than persons whose criminal cases resulted in acquittal or dismissal (in terms of denying public access to such information), the Court applied a rational basis review. The Court concluded that persons who have had criminal proceedings terminated in their favor are not a suspect class and making records of court proceedings available to the public does not burden a fundamental right. The legislature could rationally determine that deferred judgments should not be accessible to the general public but dismissals and acquittals should be accessible, as expunging deferred

judgment information serves a legitimate governmental interest of promoting rehabilitation and providing an incentive to defendants to meet the terms of their probation. On the other hand, it is not necessary to deny public access to dismissal and acquittal information because the public can determine for themselves that the charges were ultimately resolved in the defendant's favor.

Holding. The Court thus held that Code §692.17(1) does not require criminal cases that ended in dismissal or acquittal to be removed from ICIS or the Iowa Courts Online website.

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