

House Engrossed

eviction dismissal; sealed records

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2485

AN ACT

AMENDING TITLE 33, CHAPTER 10, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 33-1379; RELATING TO THE ARIZONA RESIDENTIAL LANDLORD AND
TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 33, chapter 10, article 4, Arizona Revised
3 Statutes, is amended by adding section 33-1379, to read:
4 33-1379. Eviction action; dismissal; sealed records
5 A. IN ANY ACTION FOR EVICTION PURSUANT TO SECTION 33-1368 OR
6 33-1377 OR PURSUANT TO A FORCIBLE ENTRY AND DETAINER ACTION, ON THE COURT
7 ENTERING AN ORDER THAT DISMISSES THE ACTION FOR EVICTION PRIOR TO ENTRY OF
8 A JUDGMENT OR THAT ENTERS JUDGMENT IN FAVOR OF THE TENANT, THE COURT SHALL
9 ISSUE AN ORDER SEALING ALL RECORDS RELATED TO THE CASE.
10 B. THE COURT SHALL ALSO ORDER THE SEALING OF AN EVICTION CASE ON
11 THE FILING OF A WRITTEN STIPULATION BY THE LANDLORD AND THE TENANT TO SET
12 ASIDE THE ORDER OF EVICTION AND SEAL THE EVICTION CASE COURT FILE.
13 C. IF THE RECORDS IN AN EVICTION CASE COURT FILE ARE SEALED, THE
14 TENANT'S CASE RECORDS SHALL ONLY BE MADE AVAILABLE TO THE FOLLOWING:
15 1. THE PERSON WHOSE RECORDS ARE SEALED AND ANY PARTY OR ANY
16 ATTORNEY WHO HAS MADE AN APPEARANCE IN THE CASE WHERE RECORDS ARE SEALED.
17 2. THE COURT, EXCEPT THAT THE TENANT'S SEALED EVICTION CASE MAY NOT
18 BE SOLD OR RELEASED AS A PART OF A BULK OR INDIVIDUAL RECORDS TRANSFER TO
19 A THIRD PARTY.
20 3. THE CLERK OF THE COURT OR ANY DEPARTMENT THAT IS RESPONSIBLE FOR
21 MAINTAINING RECORDS, EXCEPT THAT THE TENANT'S SEALED EVICTION CASE MAY NOT
22 BE SOLD OR RELEASED AS A PART OF A BULK OR INDIVIDUAL RECORDS TRANSFER TO
23 A THIRD PARTY.
24 D. THIS SECTION APPLIES TO ALL RECORDS RELATING TO AN ACTION FOR
25 SUMMARY EVICTION, A FORCIBLE ENTRY AND DETAINER ACTION OR A SPECIAL
26 DETAINER ACTION THAT ARE MAINTAINED BY THE COURT, INCLUDING THE COMPLAINT
27 AND ANY OTHER PLEADINGS, PROOF OF SERVICE, ANY FINDINGS AND ORDERS OF THE
28 COURT AND ALL OTHER PAPERS, RECORDS, PROCEEDINGS AND EVIDENCE, INCLUDING
29 EXHIBITS AND TRANSCRIPT OF THE TESTIMONY.
30 Sec. 2. Applicability
31 Section 33-1379, Arizona Revised Statutes, as added by this act,
32 applies to a tenant whose case is dismissed or in which judgment is
33 entered in the tenant's favor on or after the effective date of this act.