

REFERENCE TITLE: **eviction dismissal; sealed records**

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

HB 2485

Introduced by
Representatives Wilmeth: Blackman, Weninger

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 OR THAT ENTERS
8 JUDGMENT IN FAVOR OF THE TENANT, THE COURT SHALL ISSUE AN ORDER SEALING
9 ALL RECORDS RELATED TO THE CASE.
10 B. THE COURT MAY ALSO ORDER THE SEALING OF AN EVICTION CASE ON THE
11 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 OR ON
13 MOTION OF THE TENANT AND DECISION BY THE COURT, IF THE COURT FINDS THAT
14 THE EVICTION SHOULD BE SET ASIDE PURSUANT TO THE RULES OF PROCEDURE FOR
15 EVICTION ACTIONS OR THE ARIZONA RULES OF CIVIL PROCEDURE.
16 C. IF THE TENANT'S CASE RECORDS ARE SEALED, THE TENANT'S CASE
17 RECORDS SHALL BE MADE AVAILABLE TO THE FOLLOWING:
18 1. THE PERSON WHOSE RECORDS ARE SEALED AND ANY ATTORNEY WHO HAS
19 FILED A NOTICE OF APPEARANCE ON BEHALF OF THE PERSON WHOSE RECORDS ARE
20 SEALED.
21 2. THE COURT, EXCEPT THAT THE TENANT'S SEALED CASE MAY NOT BE SOLD
22 OR RELEASED AS A PART OF A BULK OR INDIVIDUAL RECORDS TRANSFER TO A THIRD
23 PARTY.
24 3. THE CLERK OF THE COURT OR ANY DEPARTMENT THAT IS RESPONSIBLE FOR
25 MAINTAINING RECORDS, EXCEPT THAT THE TENANT'S SEALED CASE MAY NOT BE SOLD
26 OR RELEASED AS A PART OF A BULK OR INDIVIDUAL RECORDS TRANSFER TO A THIRD
27 PARTY.
28 D. THIS SECTION APPLIES TO ALL RECORDS RELATING TO AN ACTION FOR
29 SUMMARY EVICTION, A FORCIBLE ENTRY AND DETAINER ACTION OR A SPECIAL
30 DETAINER ACTION THAT ARE MAINTAINED BY THE COURT, INCLUDING THE COMPLAINT
31 AND ANY OTHER PLEADINGS, PROOF OF SERVICE, ANY FINDINGS AND ORDERS OF THE
32 COURT AND ALL OTHER PAPERS, RECORDS, PROCEEDINGS AND EVIDENCE, INCLUDING
33 EXHIBITS AND TRANSCRIPT OF THE TESTIMONY.
34 Sec. 2. Applicability
35 Section 33-1379, Arizona Revised Statutes, as added by this act,
36 applies to a tenant whose case is dismissed or in which judgment is
37 entered in the tenant's favor on or after the effective date of this act.