

(P. 448) 3/1/94 Judiciary
(P. 744) 3-18-94 House - Judiciary

FILED MAR 1 1994

SENATE FILE 2220

BY HUSAK

(P. 731)
Passed Senate, Date 3-17-94
Vote: Ayes 45 Nays 1
Approved _____

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to access to tribal gaming employee background
2 investigation information.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2220

1 Section 1. Section 692.8, unnumbered paragraph 2, Code
2 1993, is amended to read as follows:

3 Intelligence data in the files of the department may be
4 disseminated only to a peace officer, criminal justice agency,
5 or state or federal regulatory agency, and only if the
6 department is satisfied that the need to know and the intended
7 use are reasonable. Intelligence data shall be disseminated,
8 upon request, to tribal officials, tribal gaming commission
9 members, or tribal regulatory agency members of a federally
10 recognized Indian tribe engaged in gaming within the state,
11 who are directly responsible for authorizing gaming background
12 investigations or licensing pursuant to the Iowa gaming
13 compact, if the intended use of the data is related to the
14 tribal gaming background investigations or licensing.

15 Whenever intelligence data relating to a defendant for the
16 purpose of sentencing has been provided a court, the court
17 shall inform the defendant or the defendant's attorney that it
18 is in possession of such data and shall, upon request of the
19 defendant or the defendant's attorney, permit examination of
20 such data.

21 EXPLANATION

22 This bill provides that the department of public safety
23 shall provide intelligence data on individuals who are seeking
24 employment or who are employed in tribal gaming operations, to
25 persons directly involved in background investigations or
26 licensing pursuant to a gaming compact.

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SENATE FILE 2220

S-5245

1 Amend Senate File 2220 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 692.8, unnumbered paragraphs 1
5 and 2, Code 1993, are amended to read as follows:

6 Intelligence data contained in the files of the
7 department of public safety or a criminal justice
8 agency may be placed within a computer data storage
9 system, provided that access to the computer data
10 storage system is restricted to authorized employees
11 of the department or criminal justice agency and the
12 ~~computer-data-storage-system-is-not-interconnected~~
13 ~~with-any-other-computer,-computer-system,-or~~
14 ~~communication-facility-outside-of-the-department-or~~
15 ~~agency-and-cannot-be-accessed-by-persons-outside-of~~
16 ~~the-department-or-agency.~~

17 Intelligence data in the files of the department
18 may be disseminated only to a peace officer, criminal
19 justice agency, or state or federal regulatory agency,
20 and only if the department is satisfied that the need
21 to know and the intended use are in furtherance of a
22 reasonable law enforcement or criminal investigative
23 purpose. Whenever intelligence data relating to a
24 defendant for the purpose of sentencing has been
25 provided a court, the court shall inform the defendant
26 or the defendant's attorney that it is in possession
27 of such data and shall, upon request of the defendant
28 or the defendant's attorney, permit examination of
29 such data.

30 Intelligence data in the files of the department
31 may be disseminated upon request to designated tribal
32 officials, tribal gaming commission members, or tribal
33 regulatory agency members of a federally recognized
34 Indian tribe engaged in gaming within the state, who
35 are directly responsible for authorizing gaming
36 background investigations or licensing pursuant to the
37 Iowa gaming compact only if the department is
38 satisfied that the intended use of the data is
39 directly related to the tribal gaming background
40 investigations or licensing and the tribe seeking the
41 data has enacted an Indian gaming compact with the
42 state which is consistent with departmental policies
43 and rules, which specifically includes provisions for
44 the dissemination, redissemination, and
45 confidentiality of the data consistent with the
46 statutes and rules governing intelligence data, and
47 which provides for penalties that are consistent with
48 the statutes and rules governing intelligence data.
49 Notwithstanding any state provision regarding
50 intelligence data, dissemination and redissemination

S-5245

S-5245

Page 2

1 of criminal intelligence information that is governed
2 by federal law shall comply with all applicable
3 federal law provisions."

4 2. Title page, line 1, by inserting before the
5 word "access" the following: "criminal intelligence
6 data and".

By RAY TAYLOR
JOE WELSH

S-5245 FILED MARCH 17, 1994
RULED OUT OF ORDER

SENATE FILE 2220

S-5113

1 Amend Senate File 2220 as follows:

2 1. Page 1, line 12, by striking the word "the"
3 and inserting the following: "an".

4 2. Page 1, line 14, by inserting after the word
5 "licensing" the following: "and the tribe has enacted
6 a tribal ordinance or regulation which includes
7 provisions for maintaining the confidentiality of such
8 data with sanctions for a violation".

9 3. Page 1, by inserting after line 20 the
10 following:

11 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
12 of immediate importance, takes effect upon enactment."

13 4. Title page, line 2, by inserting after the
14 word "information" the following: "and providing an
15 effective date".

16 5. By renumbering as necessary.

Adopted 3-17-94 By JOE WELSH

S-5113 FILED MARCH 8, 1994

1 Section 1. Section 692.8, unnumbered paragraph 2, Code
2 1993, is amended to read as follows:
3 Intelligence data in the files of the department may be
4 disseminated only to a peace officer, criminal justice agency,
5 or state or federal regulatory agency, and only if the
6 department is satisfied that the need to know and the intended
7 use are reasonable. Intelligence data shall be disseminated,
8 upon request, to tribal officials, tribal gaming commission
9 members, or tribal regulatory agency members of a federally
10 recognized Indian tribe engaged in gaming within the state,
11 who are directly responsible for authorizing gaming background
12 investigations or licensing pursuant to an Iowa gaming
13 compact, if the intended use of the data is related to the
14 tribal gaming background investigations or licensing and the
15 tribe has enacted a tribal ordinance or regulation which
16 includes provisions for maintaining the confidentiality of
17 such data with sanctions for a violation. Whenever
18 intelligence data relating to a defendant for the purpose of
19 sentencing has been provided a court, the court shall inform
20 the defendant or the defendant's attorney that it is in
21 possession of such data and shall, upon request of the
22 defendant or the defendant's attorney, permit examination of
23 such data.

24 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
25 immediate importance, takes effect upon enactment.

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SENATE FILE 2220

H-5690

1 Amend Senate File 2220, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 692.8, unnumbered paragraphs 1
6 and 2, Code 1993, are amended to read as follows:

7 Intelligence data contained in the files of the
8 department of public safety or a criminal justice
9 agency may be placed within a computer data storage
10 system, provided that access to the computer data
11 storage system is restricted to authorized employees
12 of the department or criminal justice agency ~~and the~~
13 ~~computer data storage system is not interconnected~~
14 ~~with any other computer, computer system, or~~
15 ~~communication facility outside of the department or~~
16 ~~agency and cannot be accessed by persons outside of~~
17 ~~the department or agency.~~

18 Intelligence data in the files of the department
19 may be disseminated only to a peace officer, criminal
20 justice agency, or state or federal regulatory agency,
21 and only if the department is satisfied that the need
22 to know and the intended use are in furtherance of a
23 reasonable law enforcement or criminal investigative
24 purpose. Whenever intelligence data relating to a
25 defendant for the purpose of sentencing has been
26 provided a court, the court shall inform the defendant
27 or the defendant's attorney that it is in possession
28 of such data and shall, upon request of the defendant
29 or the defendant's attorney, permit examination of
30 such data.

31 Intelligence data in the files of the department
32 may be disseminated upon request to designated tribal
33 officials, tribal gaming commission members, or tribal
34 regulatory agency members of a federally recognized
35 Indian tribe engaged in gaming within the state, who
36 are directly responsible for authorizing gaming
37 background investigations or licensing pursuant to the
38 Iowa gaming compact only if the department is
39 satisfied that the intended use of the data is
40 directly related to the tribal gaming background
41 investigations or licensing and the tribe seeking the
42 data has enacted an Indian gaming compact with the
43 state which is consistent with departmental policies
44 and rules, which specifically includes provisions for
45 the dissemination, redissemination, and
46 confidentiality of the data consistent with the
47 statutes and rules governing intelligence data, and
48 which provides for penalties that are consistent with
49 the statutes and rules governing intelligence data.
50 Notwithstanding any state provision regarding

H-5690

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H-5690

Page 2

1 intelligence data, dissemination and redissemination
2 of criminal intelligence information that is governed
3 by federal law shall comply with all applicable
4 federal law provisions."

5 2. Title page, by striking lines 1 and 2 and
6 inserting the following: "An Act relating to access
7 to criminal intelligence information and providing an
8 effective date."

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
McNEAL of Hardin, Chairperson

H-5690 FILED MARCH 25, 1994

SENATE FILE 2220

H-5906

1 Amend the amendment, H-5690, to Senate File 2220,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking line 4 and inserting the
5 following: "federal law provisions.
6 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
7 of immediate importance, takes effect upon enactment."
8 2. By renumbering as necessary.

By McNEAL of Hardin

H-5906 FILED MARCH 31, 1994

SENATE FILE 2220

H-6201

1 Amend the amendment, H-5690, to Senate File 2220,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, lines 42 and 43, by striking the words
5 "enacted an Indian gaming compact with the state" and
6 inserting the following: "provided adequate assurance
7 of appropriate control and use of intelligence data".

By LARSON of Linn

H-6201 FILED APRIL 14, 1994