ARC 0750D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to criminal justice information and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 8, "Criminal Justice Information," Iowa Administrative Code, and to adopt a new Chapter 8 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 692.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 80.5 and 692.14.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 8 and adopt a new chapter in lieu thereof. The proposed chapter governs terminal access to the Iowa On-line Warrants and Articles (IOWA) criminal justice system.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026. A public hearing was held on the following date(s):

- September 23, 2026

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 16, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 15, 2026 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 16, 2026 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CRIMINAL JUSTICE INFORMATION

661—8.1 to **8.100** Reserved.

DIVISION I
IOWA ON-LINE WARRANTS AND ARTICLES SYSTEM

661—8.101(80,692) Iowa on-line warrants and articles (IOWA) criminal justice information system. The IOWA criminal justice information system is administered by the division of administrative services. The IOWA system provides criminal justice agency access to traffic record and criminal justice databases through a dedicated telecommunications network.

661—8.102(80) Human immunodeficiency virus-related information. An agency may enter human immunodeficiency virus-related (HIV) information into a wanted or missing person file of the IOWA system and the National Crime Information Center operated by the Federal Bureau of Investigation in a manner consistent with IOWA System Operating Manual. HIV information shall be kept confidential and may be communicated only in accordance with this rule.

661—8.103(80,692) IOWA system security. IOWA system terminal access shall be available to criminal justice agencies as defined by Iowa Code section 692.1(7). Prior to being permitted terminal access to the IOWA system, a criminal justice agency shall meet the following criteria:

8.103(1) All terminals shall be located within the facilities or vehicles of authorized agencies where appropriate physical security can be maintained.

8.103(2) The immediate terminal areas shall be restricted to prevent access by unauthorized individuals.

8.103(3) All persons accessing NCIC and the criminal history files shall have been authorized to operate the terminal by the criminal justice agency administrator, been approved by the department of public safety, received the required training and achieved proficiency certification by the department of public safety. Agencies shall do the following:

a. Complete a background investigation on all applicants for positions with access to NCIC and criminal history files and notify the department of public safety upon completion. The background investigation shall be done to ensure the following:

(1) That the applicant is 18 years of age or older at the time of appointment to the position.

(2) That the applicant is not addicted to drugs or alcohol.

(3) That the applicant has not been convicted of a serious crime.

b. Submit two fingerprint cards on all applicants to the Iowa division of criminal investigation. One card will be used to check for any Iowa criminal history, and the second card will be forwarded to the FBI for a national search of criminal history records.

8.103(4) Where IOWA system terminals are not operated on a 24-hour-per-day basis, the terminals shall be physically secured when unattended.

8.103(5) The criminal justice agency administrator shall be directly responsible for ensuring that information received from the IOWA system is restricted for the official use of agency personnel, other criminal justice agencies, or other agencies authorized in writing by the department of public safety.

8.103(6) Any agency desiring direct access to IOWA system files shall make application to the department. Before authorization is granted, the administrator of the applying agency shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures promulgated by the department for system operation, security and discipline. The agreement shall reserve to the department the right to terminate furnishing criminal history or other file information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of this data.

8.103(7) Any agency that has had its authorization to IOWA system files terminated by the department may appeal the termination to the commissioner of public safety in accordance with 661—Chapter 10.

661—8.104(80,692) Subpoenas and court orders. Any agency or individual in possession of criminal history data received from the department that is served with a subpoena, court order, request for production or other legal process demanding the production of criminal history data shall notify the department in writing so that the department has an opportunity to make a timely resistance.

These rules are intended to implement Iowa Code sections 80.5 and 692.14.