

- b. Establishment of a community coalition to support and advance the program.
- c. Participation in the pick a better snack and act social marketing campaign, support of local community groceries in the campaign, and utilization of community billboards to advertise the campaign.
- d. Use of the fitness gram and activity gram interactive computer programs to track children's daily physical activity.
- e. Participation in the five a day fruit and vegetable campaign.
- f. Measurement, reporting, and tracking of the height and weight of students in elementary schools.

Sec. 2. CONTINGENT EFFECTIVE DATE.

- 1. This Act shall take effect upon receipt by the Iowa department of public health of funding in an amount sufficient to establish the grant program.
- 2. The department shall notify the Code editor if the contingency in subsection 1 occurs.

Approved March 21, 2006

CHAPTER 1007

DISTRIBUTION OF PRESENTENCE INVESTIGATION REPORTS

S.F. 2285

AN ACT relating to the distribution of a presentence investigation report in a criminal proceeding.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 901.4, Code Supplement 2005, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL — DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. ~~At least three days prior to the date set for sentencing, the court shall send a copy of all of the presentence investigation report by ordinary or electronic mail, to the~~ The defendant's attorney and the attorney for the state, and the shall have access to the presentence investigation report at least three days prior to the date set for sentencing. ~~The~~ report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, ~~a copy of the presentence investigation report shall be forwarded by ordinary or electronic mail to the director with the order of commitment by the clerk of the district court and to the department and the board of parole at the time of commitment shall have access to the presentence investigation report.~~ Pursuant to section 904.602, the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant

for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report. ~~If the person is sentenced for an offense which requires registration under chapter 692A, the court shall release the report by ordinary or electronic mail to the department.~~

Approved March 21, 2006

CHAPTER 1008

CRIMINAL AND CHILD AND DEPENDENT ADULT ABUSE RECORD CHECKS — NURSING EDUCATION PROGRAMS

H.F. 2464

AN ACT authorizing an approved nursing education program to initiate criminal and child and dependent adult abuse record checks of students and prospective students regarding the students' involvement with the clinical education component of the program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 152.5, Code 2005, is amended by adding the following new subsection:
NEW SUBSECTION. 3. a. For the purposes of this subsection:

(1) "Nursing program" means a nursing program that is approved by the board pursuant to subsection 1 or 2.

(2) "Student" means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

b. A nursing program may access the single contact repository established pursuant to section 135C.33 as necessary for the nursing program to initiate record checks of students.

c. A nursing program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks in this state on the nursing program's students.

d. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the person's involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the person's involvement in a clinical education component is warranted.

Sec. 2. Section 235A.15, subsection 2, paragraph c, Code Supplement 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) A nursing program that is approved by the state board of nursing under section 152.5, if the data relates to a record check performed pursuant to section 152.5.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code Supplement 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (12) A nursing program that is approved by the state board of