

## ARSON INVESTIGATION

### Footnotes

Fire reports public records; see § 100.5

#### **100A.1 Definitions.**

1. "*Authorized agencies*" means:

- a. The state fire marshal.
  - b. The commissioner of public safety.
  - c. The county attorney responsible for prosecutions in the county where a fire occurs.
  - d. The attorney general.
  - e. The federal bureau of investigation or other federal agency requesting information on a fire loss.
  - f. The United States attorney's office when authorized or charged with investigation of a fire or prosecution for arson.
  - g. The fire chief of the city in which the fire occurs.
  - h. The police chief of the city in which the fire occurs.
  - i. The sheriff of the county in which the fire occurs.
  - j. The fraud bureau within the insurance division of the department of commerce.
2. "*Insurance company*" includes, but is not limited to, the Iowa fair plan and its member insurance companies.
3. "*Relevant information*" means information having any tendency to make the existence of a fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the information.

[C81, § 100A.1]

86 Acts, ch 1051, § 1; 93 Acts, ch 100, §1; 2000 Acts, ch 1023, §3

#### **100A.2 Disclosure of information.**

1. An authorized agency may, in writing, require an insurance company to release to the agency relevant information or evidence requested by the agency which the company has in its possession relating to a fire loss. Relevant information includes but is not limited to:

- a. Insurance policy information relating to a fire loss under investigation including information on the policy application.
- b. Policy premium payment records.

c. History of previous claims made by the insured.

d. Material relating to the investigation of the loss, including statements of any person, proof of loss, and other evidence relevant to the investigation.

2. When an insurance company has reason to believe that a fire loss insured by the company was caused by something other than an accident, the company shall, in writing, notify any authorized agency and provide it with all material possessed by the company relevant to an investigation of the fire loss or a prosecution for arson.

3. An authorized agency provided with information pursuant to this section may provide the information to any other authorized agency for purposes of an investigation of a fire loss or a prosecution for arson.

4. An insurance company providing information to an authorized agency pursuant to subsections 1 and 2 may request information relevant to the fire loss investigation from an authorized agency and shall be given the information within a reasonable time not exceeding thirty days.

5. No civil action nor criminal prosecution may arise from any action taken pursuant to this section by an insurance company, a person acting in an insurance company's behalf, or an authorized agency, provided no malice is shown against the insured.

[C81, § 100A.2]

### **100A.3 Confidentiality subpoena.**

1. An authorized agency or insurance company which receives information furnished pursuant to section 100A.2, shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

2. An authorized agency or its personnel, may be subpoenaed to testify in litigation concerning a fire loss in which an insurance company is named as a party.

[C81, § 100A.3]

### **100A.4 Penalty.**

1. A person or agency who intentionally or knowingly refuses to release information requested pursuant to this chapter is guilty of a simple misdemeanor.

2. A person who fails to hold in confidence information required to be held in confidence by section 100A.3 is guilty of a simple misdemeanor.

[C81, § 100A.4]

### **100A.5 Concurrent powers.**

The provisions of this chapter do not affect or repeal an ordinance of a municipality relating to fire prevention or the control of arson, but the jurisdiction of the state fire marshal and the commissioner of public safety in the municipality is concurrent with that of the municipal and county authorities.

[C81, § 100A.5]

### **100A.6 Chapter not severable.**

If any provision of this chapter is declared invalid the whole chapter is void, and to this end the provisions of this chapter are not severable.

[C81, § 100A.6]