

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

A BILL FOR

1 An Act relating to authorized access to certain confidential
2 records by employees of the department of corrections, a
3 judicial district department of correctional services, and
4 the board of parole.

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

1 Section 1. Section 125.93, Code 2021, is amended to read as
2 follows:

3 **125.93 Commitment records — confidentiality.**

4 Records of the identity, diagnosis, prognosis, or
5 treatment of a person which are maintained in connection
6 with the provision of substance abuse treatment services are
7 confidential, consistent with the requirements of section
8 125.37, and with the federal confidentiality regulations
9 authorized by the federal Drug Abuse Office and Treatment Act,
10 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse
11 and Alcoholism Prevention, Treatment and Rehabilitation Act, 42
12 U.S.C. §290dd-2. However, such records may be disclosed to an
13 employee of the department of corrections, if authorized by the
14 director of the department of corrections, or to an employee
15 of a judicial district department of correctional services, if
16 authorized by the director of the judicial district department
17 of correctional services.

18 Sec. 2. Section 228.5, subsection 4, Code 2021, is amended
19 to read as follows:

20 4. Mental health information relating to an individual may
21 be disclosed to other providers of professional services or
22 their employees or agents if and to the extent necessary to
23 facilitate the provision of administrative and professional
24 services to the individual including to an employee of the
25 department of corrections, if authorized by the director of
26 the department of corrections, or to an employee of a judicial
27 district department of correctional services, if authorized
28 by the director of the judicial district department of
29 correctional services.

30 Sec. 3. Section 804.29, subsection 2, paragraph d, Code
31 2021, is amended to read as follows:

32 d. An employee of the department of corrections, if
33 authorized by the director of the department of corrections, or
34 an employee of a judicial district department of correctional
35 services, if authorized by the director of the department

1 ~~of corrections~~ judicial district department of correctional
2 services.

3 Sec. 4. Section 808.13, Code 2021, is amended to read as
4 follows:

5 **808.13 Confidentiality.**

6 All information filed with the court for the purpose of
7 securing a warrant for a search, including but not limited to
8 an application and affidavits, shall be a confidential record
9 until such time as a peace officer has executed the warrant
10 and has made return thereon. During the period of time that
11 information is confidential it shall be sealed by the court,
12 and the information contained therein shall not be disseminated
13 to any person other than a peace officer, magistrate, ~~or~~
14 ~~another~~ court employee, an employee of the department of
15 corrections, if authorized by the director of the department of
16 corrections, or an employee of a judicial district department
17 of correctional services, if authorized by the director of the
18 judicial district department of correctional services, in the
19 course of official duties.

20 Sec. 5. Section 901.4, Code 2021, is amended to read as
21 follows:

22 **901.4 Presentence investigation report confidential —**
23 **access.**

24 The presentence investigation report is confidential and the
25 court shall provide safeguards to ensure its confidentiality,
26 including but not limited to sealing the report, which may
27 be opened only by further court order. The defendant's
28 attorney and the attorney for the state shall have access to
29 the presentence investigation report at least three days prior
30 to the date set for sentencing. The defendant's appellate
31 attorney and the appellate attorney for the state shall have
32 access to the presentence investigation report upon request
33 and without the necessity of a court order. The report shall
34 remain confidential except upon court order. However, the
35 court may conceal the identity of the person who provided

1 confidential information. The report of a medical examination
2 or psychological or psychiatric evaluation shall be made
3 available to the attorney for the state and to the defendant
4 upon request. The reports are part of the record but shall
5 be sealed and opened only on order of the court. If the
6 defendant is committed to the custody of the Iowa department
7 of corrections and is not a class "A" felon, an employee of
8 the department and, if authorized by the director of the
9 department, an employee of a judicial district department
10 of correctional services, if authorized by the director of
11 the judicial district department of correctional services,
12 and an employee of the board of parole, if authorized by the
13 chairperson or a member of the board of parole, shall have
14 access to the presentence investigation report. Pursuant
15 to section 904.602, the presentence investigation report
16 may also be released by ordinary or electronic mail by the
17 department of corrections or a judicial district department
18 of correctional services to another jurisdiction for the
19 purpose of providing interstate probation and parole compact
20 or interstate compact for adult offender supervision services
21 or evaluations, or to a substance abuse or mental health
22 services provider when referring a defendant for services.
23 The defendant or the defendant's attorney may file with the
24 presentence investigation report, a denial or refutation of the
25 allegations, or both, contained in the report. The denial or
26 refutation shall be included in the report.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to authorized access to certain
31 confidential records by employees of the department of
32 corrections, a judicial district department of correctional
33 services, and the board of parole.

34 The bill provides that certain substance abuse treatment
35 commitment records and mental health information may be

1 disclosed to an employee of the department of corrections, if
2 authorized by the director of the department of corrections,
3 or to an employee of a judicial district department of
4 correctional services, if authorized by the director of the
5 judicial district department of correctional services.

6 The bill provides that all information filed with the
7 court for the purpose of securing a warrant for an arrest, or
8 securing a warrant for a search, is allowed to an employee of
9 the department of corrections, if authorized by the director
10 of the department of corrections, and to an employee of a
11 judicial district department of correctional services, if
12 authorized by the director of the judicial district department
13 of correctional services.

14 The bill provides that access to a presentence investigation
15 report of a defendant committed to the custody of the Iowa
16 department of corrections is allowed for an employee of the
17 department, if authorized by the director of the department,
18 an employee of a judicial district department of correctional
19 services, if authorized by the director of the judicial
20 district department of correctional services, and an employee
21 of the board of parole, if authorized by the chairperson or a
22 member of the board of parole.