



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 9, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 216, an Act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person, and providing an effective date.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 216

AN ACT

RELATING TO INTELLIGENCE DATA AND INTELLIGENCE ASSESSMENT
DISSEMINATION TO AN AGENCY, ORGANIZATION, OR PERSON, AND
PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 692.1, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. "Intelligence assessment" means an analysis of information based in whole or in part upon intelligence data.

Sec. 2. Section 692.8, unnumbered paragraph 2, Code 2003, is amended to read as follows:

Intelligence data in the files of the department may be disseminated only to a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, and only if the department is satisfied that the need to know and the intended use are reasonable. However, intelligence data may also be disseminated to an agency, organization, or person when disseminated for an official purpose, and in order to protect a person or property from a threat of imminent serious harm. Whenever intelligence data relating to a defendant or juvenile who is the subject of a petition under section 232.35 for the purpose of sentencing or adjudication has been provided a court, the court shall inform the defendant or juvenile or the defendant's or juvenile's attorney that it is in possession of such data and shall, upon request of the defendant or juvenile or the defendant's or juvenile's attorney, permit examination of such data.

Sec. 3. Section 692.8A, Code 2003, is amended to read as follows:

692.8A ~~REDISSEMINATION~~ DISSEMINATION OF INTELLIGENCE DATA.

1. A criminal or juvenile justice agency, state or federal regulatory agency, or a peace officer shall not disseminate intelligence data, which has been received from the department or bureau or from any other source, outside the agency or the peace officer's agency unless all of the following apply:

1- a. The intelligence data is for official purposes in connection with prescribed duties of a criminal or juvenile justice agency.

2- b. The agency maintains a list of the agencies, organizations, or persons receiving the intelligence data and the date and purpose of the dissemination.

3- c. ~~The request for intelligence data is based upon name, fingerprints, or other individually identified characteristics~~ The agency disseminating the intelligence data is satisfied that the need to know and the intended use are reasonable.

2. Notwithstanding subsection 1, a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer may disseminate intelligence data to an agency, organization, or person when disseminated for an official purpose, and in order to protect a person or property from a threat of imminent serious harm, and if the dissemination complies with paragraphs "b" and "c" of subsection 1.

3. An agency, organization, or person receiving intelligence data from a criminal or juvenile justice agency, state or federal regulatory agency, or a peace officer pursuant to this chapter may only redisseminate the intelligence data if authorized by the agency or peace officer providing the data. A criminal or juvenile justice agency, state or federal regulatory agency, or a peace officer who disseminates intelligence data pursuant to this chapter may limit the type of data released in order to protect the intelligence methods and sources used to gather the data, and may also place restrictions on the redissemination by the agency, organization, or person receiving the intelligence data. An agency, organization, or person receiving intelligence data is also subject to the provisions of this chapter and shall comply with any administrative rules adopted pursuant to this chapter.

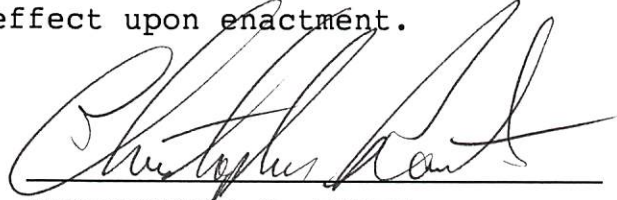
4. This section shall not be construed to prohibit the dissemination of an intelligence assessment to any agency or organization if necessary for carrying out the official duties

of the agency or organization, or to a person if disseminated for an official purpose, and if necessary to protect a person or property from a threat of imminent serious harm.

Sec. 4. Section 692.18, unnumbered paragraph 2, Code 2003, is amended to read as follows:

Intelligence data in the possession of ~~the department or bureau~~, a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer or disseminated by ~~the department or bureau~~ such agency or peace officer, are not public records within the provisions of chapter 22.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.



CHRISTOPHER C. RANTS
Speaker of the House



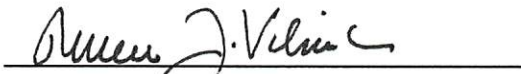
MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 216, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 9, 2003



THOMAS J. VILSACK
Governor

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