

House File 2265 - Enrolled

House File 2265

AN ACT

RELATING TO THE DISCLOSURE OF AN ADDRESS CONFIDENTIALITY  
PROGRAM PARTICIPANT'S ADDRESS IN CERTAIN LEGAL PROCEEDINGS.

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

Section 1. Section 9E.7, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Except as otherwise provided in [subsection 2](#) and in [section 9E.8](#), information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

Sec. 2. NEW SECTION. 9E.8 Disclosure of program participant address in legal proceedings — protective order.

1. If a program participant's address is protected under section 9E.5, a person shall not be compelled to disclose the program participant's address during discovery or during a proceeding before a court or other tribunal unless the court or other tribunal finds all of the following:

a. A reasonable belief exists that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed.

b. No other practicable means is available of obtaining the information or evidence from any other source.

2. The court or other tribunal shall provide the program participant with notice that disclosure of the program participant's address is sought and provide the program participant an opportunity to present evidence at a hearing regarding the potential harm to the safety of the program participant if the program participant's address is disclosed. In determining whether to compel disclosure, the court or other tribunal shall consider whether the potential harm to the safety of the program participant is outweighed by the interest in disclosure relating to the investigation, prosecution, or litigation. In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if protecting the program participant's address would violate a defendant's constitutional right to confront a witness.

3. Disclosure of a program participant's address under this section shall be limited under the terms of the order by the court or other tribunal to ensure that the disclosure and dissemination of the address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

4. This section does not prevent the court or other tribunal from issuing a protective order to prevent disclosure of information other than the program participant's address that could reasonably lead to the discovery of the program participant's location.

5. This section shall apply to a participant in an

out-of-state address confidentiality program substantially similar to the address confidentiality program established in this chapter.

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LINDA UPMEYER  
Speaker of the House

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PAM JOCHUM  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2265, Eighty-sixth General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2016

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TERRY E. BRANSTAD  
Governor