

Senate File 2110 - Enrolled

Senate File 2110

AN ACT

RELATING TO PERSONS EXAMINING AND OBTAINING THEIR OWN CRIMINAL  
HISTORY DATA.

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

Section 1. Section 692.5, Code 2016, is amended to read as follows:

**692.5 Right of notice, access and challenge.**

1. Any person or the person's attorney shall have the right to examine and obtain a copy of criminal history data filed with the department that refers to the person. The person or person's attorney ~~shall present or mail to the department written authorization and~~ may provide the person's fingerprint identification to the department on a form and in a manner prescribed by the department. The department shall not copy the fingerprint identification and shall return or destroy the identification after the copy of the criminal history data is

made. The department may prescribe reasonable hours and places of examination.

2. ~~Any~~ A person who files with the division a written statement to the effect that ~~a statement~~ information contained in the criminal history data ~~that refers to the person~~ is nonfactual, or that information contained in the criminal history data is not authorized by law to be kept, and requests a correction or elimination of ~~that~~ the information that refers to ~~that~~ the person shall be notified within twenty days by the division, in writing, of the division's decision or order regarding the correction or elimination. Judicial review of the actions of the division may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Immediately upon the filing of the petition for judicial review the court shall order the division to file with the court a certified copy of the criminal history data and in no other situation shall the division furnish an individual or the individual's attorney with a certified copy, except as provided by this chapter.

3. Upon the request of the petitioner, the record and evidence in a judicial review proceeding shall be closed to all but the court and its officers, and access thereto shall be refused unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions. A person, other than the petitioner, shall not permit a copy of any of the testimony or pleadings or the substance thereof to be made available to any person other than a party to the action or the party's attorney. Violation of this section shall be a public offense, punishable under section 692.7. The provisions of this section shall be the sole right of action against the department, its subdivisions, or employees regarding improper storage or release of criminal history data.

4. Whenever the division corrects or eliminates criminal history data as requested or as ordered by the court, the division shall advise ~~all agencies or individuals who have received the incorrect information~~ the federal bureau of investigation, if applicable, to correct ~~their~~ its files. ~~Upon application to the district court and service of notice on the commissioner of public safety, any individual may request and~~

~~obtain a list of all persons and agencies who received criminal history data referring to the individual, unless good cause be shown why the individual should not receive the list.~~

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PAM JOCHUM  
President of the Senate

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LINDA UPMEYER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2110, Eighty-sixth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

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

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TERRY E. BRANSTAD  
Governor