

FILED FEB 1 1973

Judiciary 2-1-73, Passed amended 2/21

Coleman, Chairman
Shaw
Riley

Reprinted 3/19

SENATE FILE

115

By MILLIGAN

(Hill and Small)

Passed Senate, Date 3-20-73 (565)

Passed House, Date _____

Vote: Ayes 40 Nays 7

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to disclosure of criminal history and intelli-
2 gence data and providing penalties.

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

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1 Section 1. NEW SECTION. DEFINITIONS OF WORDS AND PHRASES.

2 As used in this Act, unless the context otherwise requires:

3 1. "Department" means the department of public safety.

4 2. "Bureau" means the department of public safety, divi-
5 sion of criminal investigation and bureau of identification.

6 3. "Criminal history data" means any or all of the follow-
7 ing information maintained by the department or bureau in
8 a manual or automated data storage system and individually
9 identified:

- 10 a. Arrest data.
- 11 b. Conviction data.
- 12 c. Disposition data.
- 13 d. Correctional data.
- 14 e. Juvenile data.

15 4. "Arrest data" means information pertaining to an arrest
16 for a public offense and includes the charge, date, time,
17 and place. Arrest data includes arrest warrants for all
18 public offenses outstanding and not served and includes the
19 filing of charges, whether by preliminary information or
20 indictment, the date and place of alleged commission and
21 county of jurisdiction.

22 5. "Conviction data" means information that a person was
23 convicted of a public offense and includes the date and
24 location of commission and place and court of conviction.

25 6. "Disposition data" means information pertaining to
26 a recorded court proceeding subsequent to a public offense
27 arrest and includes suspension or deferral of sentence.

28 7. "Correctional data" means information pertaining to
29 the status, location and activities of persons under the
30 supervision of the county sheriff, the division of corrections
31 of the department of social services, board of parole or any
32 other state or local agency performing the same or similar
33 function, but does not include investigative, sociological,
34 psychological, economic or other subjective information main-
35 tained by the division of corrections of the department of

1 social services or board of parole.

2 8. "Juvenile data" means information pertaining to com-
3 pleted court action regarding a juvenile delinquency adjudi-
4 cation and includes the date, court, and basis for the adjudi-
5 cation.

6 9. "Individually identified" means criminal history data
7 which relates to a specific person by one or more of the fol-
8 lowing means of identification:

- 9 a. Name and alias, if any.
- 10 b. Social security number.
- 11 c. Fingerprints.
- 12 d. Other index cross-referenced to paragraphs a, b, or
- 13 c.
- 14 e. Other individually identifying characteristics.

15 10. "Criminal justice agency" means any agency or depart-
16 ment of any level of government which performs as its princi-
17 pal function the apprehension, prosecution, adjudication,
18 incarceration, or rehabilitation of criminal offenders.

19 11. "Intelligence data" means information collected by
20 peace officers concerning a particular crime or the alleged
21 or suspected involvement of any person to a criminal activity.
22 Intelligence data does not include information on individuals
23 pertaining to activities protected by the Constitution of
24 the United States.

25 Sec. 2. NEW SECTION. DISSEMINATION OF CRIMINAL HISTORY
26 DATA. The department and bureau may provide copies or commu-
27 nicate information from criminal history data only to criminal
28 justice agencies or such other public agencies as are
29 authorized by the commissioner of public safety. The bureau
30 shall maintain a list showing the individual or agency to
31 whom the data is disseminated and the date of dissemination.

32 Authorized agencies shall request criminal history data
33 only when:

- 34 1. The data is for official purposes in connection with
- 35 prescribed duties, and

1 2. The request for data is based upon name, fingerprints,
2 or other individual identifying characteristics.

3 Sec. 3. NEW SECTION. REDISSEMINATION. A criminal justice
4 agency shall not disseminate criminal history data, within
5 or without the agency, received from the department or bureau,
6 unless:

7 1. The data is for official purposes in connection with
8 prescribed duties of a criminal justice agency, and

9 2. The agency maintains a list of the persons receiving
10 the data and the date and purpose of the dissemination, and

11 3. The request for data is based upon name, fingerprints,
12 or other individual identification characteristics.

13 Sec. 4. NEW SECTION. STATISTICS. The department, bureau,
14 or a criminal justice agency may compile and disseminate
15 criminal history data in the form of statistical reports
16 derived from such information or as the basis of further study
17 provided individual identities are not ascertainable.

18 The bureau may with the approval of the commissioner of
19 public safety disseminate criminal history data to persons
20 conducting bona fide research, provided the data is not indi-
21 vidually identified or the researcher has executed an agree-
22 ment providing that the data will be kept secure and will
23 not be disseminated and that the research results will be
24 compiled in a manner which does not allow for individual
25 identities to be ascertained.

26 Sec. 5. NEW SECTION. RIGHT OF NOTICE, ACCESS AND
27 CHALLENGE. Any person or his attorney with written authori-
28 zation and fingerprint identification, shall have the right
29 to examine criminal history data filed with the bureau that
30 refers to him. The bureau may prescribe reasonable hours
31 and places of examination and may impose such additional
32 restrictions, including fingerprinting, as are reasonably
33 necessary to assure the information's security and to verify
34 the identity of the person who seeks to examine the
35 information.

1 Any person who files with the bureau a written statement
2 to the effect that a fact contained in the criminal history
3 data that refers to him is incorrect and requests a correction
4 or elimination of that information that refers to him shall
5 be notified within twenty days by the bureau, in writing,
6 of the bureau's decision or order regarding the correction
7 or elimination. The bureau's decision or order or failure
8 to allow examination may be appealed to the district court
9 of Polk county by the person requesting said examination,
10 correction or elimination. Immediately upon such appeal the
11 court shall order the bureau to file with the court a certified
12 copy of the criminal history data and in no other situation
13 shall the bureau furnish an individual or his attorney with
14 a certified copy, except as provided by this Act.

15 Whenever the bureau corrects or eliminates data as requested
16 or as ordered by the court, the bureau shall advise all agen-
17 cies or individuals who have received the incorrect information
18 to correct their files and the individual may request and
19 obtain a copy of the list of persons and agencies who received
20 copies of his criminal history file.

21 Sec. 6. NEW SECTION. CIVIL REMEDY. Any person may
22 institute a civil action for damages under chapter twenty-
23 five A (25A) or six hundred thirteen A (613A) of the Code
24 or to restrain the dissemination of his criminal history or
25 intelligence data in violation of this Act, any agency or
26 governmental body proven to have disseminated or to have
27 requested and received criminal history or intelligence data
28 in violation of this Act shall be liable for actual damages
29 and exemplary damages for each violation and shall be liable
30 for court costs, expenses, and reasonable attorneys' fees
31 incurred by the party bringing the action. In no case shall
32 the award for damages be less than one hundred dollars.

33 Sec. 7. NEW SECTION. CRIMINAL PENALTIES.

34 1. Any person who willfully requests, obtains, or seeks
35 to obtain criminal history data under false pretenses, or

1 who willfully communicates or seeks to communicate criminal
2 history data to any agency or person except in accordance
3 with this Act, or any person connected with any research
4 program authorized pursuant to this Act who willfully falsifies
5 criminal history data or any records relating thereto, shall
6 for each such offense be fined not more than one thousand
7 dollars or by imprisonment in the state penitentiary not more
8 than two years, or both. Any person who knowingly, but without
9 criminal purposes, communicates or seeks to communicate
10 criminal history data except in accordance with this Act shall
11 for each such offense be fined not more than one hundred
12 dollars or be imprisoned not more than ten days.

13 2. Any person who willfully requests, obtains, or seeks
14 to obtain intelligence under false pretenses, or who willfully
15 communicates or seeks to communicate intelligence to any
16 agency or person except in accordance with this Act, or any
17 person connected with any research program authorized pursuant
18 to this Act who willfully falsifies intelligence or any records
19 relating thereto, shall for each such offense be fined not
20 more than five thousand dollars or by imprisonment in the
21 state penitentiary not more than three years, or both. Any
22 person who knowingly, but without criminal purposes, communi-
23 cates or seeks to communicate intelligence except in accor-
24 dance with this Act shall for each such offense be fined not
25 more than five hundred dollars or be imprisoned not more than
26 six months, or both.

27 3. If the person convicted under this section is a peace
28 officer, the conviction shall be grounds for discharge or
29 suspension from duty without pay and if the person convicted
30 is a public official or public employee, the conviction shall
31 be grounds for removal from office.

32 4. Any reasonable grounds that a public employee has
33 violated any provision of this Act shall be grounds for
34 immediate removal from access of any kind to criminal history
35 data or suspension from duty without pay.

1 Sec. 8. NEW SECTION. INTELLIGENCE DATA. Intelligence
2 data contained in the files of the bureau shall only be dis-
3 closed to a peace officer or public agency after the commis-
4 sioner of public safety or his delegate has been advised of
5 the officer's need to know and the intended use of the
6 intelligence.

7 Automated intelligence data shall not be disseminated to
8 any agency through telecommunications access terminals.

9 Sec. 9. NEW SECTION. RULES. The department shall adopt
10 rules and regulations designed to assure the security and
11 confidentiality of all criminal history and intelligence data
12 systems.

13 Sec. 10. NEW SECTION. EDUCATION PROGRAM. The department
14 shall make available an educational program for its employees
15 and the employees of criminal justice agencies on the proper
16 use and control of criminal history and intelligence data.

17 Sec. 11. NEW SECTION. DATA PROCESSING. Nothing in this
18 Act shall preclude the use of the equipment and hardware of
19 the data processing service center provided for in section
20 nineteen B point three (19B.3), subsection five (5), of the
21 Code for the storage and retrieval of criminal history data.
22 Files shall be stored on the computer in such a manner as
23 they cannot be modified, destroyed, accessed, changed or
24 overlaid in any fashion by noncriminal justice agency
25 terminals or personnel. That portion of any computer,
26 electronic switch or manual terminal having access to criminal
27 history data stored in the state computer must be under the
28 management control of a criminal justice agency.

29 Sec. 12. NEW SECTION. REVIEW. The department shall
30 initiate periodic review procedures designed to determine
31 compliance with the provisions of this Act within the
32 department and by criminal justice agencies and to determine
33 that data furnished to them is factual and accurate.

34 Sec. 13. NEW SECTION. SYSTEMS FOR THE EXCHANGE OF CRIMINAL
35 HISTORY DATA. The department shall regulate the participation

1 by all state and local agencies in any automated system for
2 the exchange of criminal history data, and shall be responsible
3 to assure the consistency of such participation with the terms
4 and purposes of this Act.

5 Direct access to such automated systems shall be limited
6 to such criminal justice agencies as are expressly designated
7 for that purpose by the department. The department shall
8 with respect to telecommunications terminals employed in the
9 dissemination of criminal history data, insure that security
10 is provided over an entire terminal or that portion actually
11 authorized access to criminal history data.

12 Sec. 14. NEW SECTION. REPORTS TO DEPARTMENT. When it
13 comes to the attention of a sheriff, police department, or
14 other law enforcement agency that a public offense has been
15 committed in its jurisdiction, it shall be the duty of the
16 law enforcement agency to report information concerning such
17 crimes to the bureau on a form to be furnished by the bureau
18 within seven days of the time the crime first comes to the
19 attention of such law enforcement agency. These reports shall
20 be used to generate crime statistics. The bureau shall submit
21 statistics to the governor, legislature and crime commission
22 on a quarterly and yearly basis.

23 When a sheriff, police department or other law enforcement
24 agency makes an arrest which is reported to the bureau, the
25 arresting law enforcement agency and any other law enforcement
26 agency which obtains custody of the arrested person shall
27 furnish a disposition report to the bureau whenever the
28 arrested person is transferred to the custody of another
29 law enforcement agency or is released without having a com-
30 plaint or information filed with any court.

31 Whenever a criminal complaint or information is filed in
32 any court, the clerk, or if there be no clerk, the judge of
33 the court shall furnish a disposition report of such case.

34 The disposition report, whether by a law enforcement agency
35 or court, shall be sent to the bureau within thirty days after

1 disposition on a form provided by the bureau.

2 Sec. 15. NEW SECTION. REVIEW AND REMOVAL. At least every
3 six months the bureau shall review and determine current
4 status of all arrests reported after the effective date of
5 this Act. Any arrest record within an automated system and
6 which has no disposition data after five years shall be removed
7 unless there is an outstanding arrest warrant or detainer
8 on such charge.

9 Sec. 16. NEW SECTION. EXCLUSIONS. Criminal history data
10 does not include:

11 1. Juvenile data after the person has reached twenty-five
12 years of age and has had no intervening convictions for an
13 indictable misdemeanor or felony.

14 2. Arrest data after the person has been acquitted or
15 the charges dismissed, unless the person has previously been
16 convicted of an indictable public offense.

17 Sec. 17. NEW SECTION. PUBLIC RECORDS. Nothing in this
18 Act shall prohibit the public from examining and copying the
19 official public records of any public body or agency as
20 authorized by chapter sixty-eight A (68A) of the Code.

21 The collection of criminal history and intelligence data
22 by the department or bureau and the dissemination of this
23 data to criminal justice agencies is not a public record
24 within the provisions of chapter sixty-eight A (68A) of the
25 Code.

26 EXPLANATION

27 This bill provides that criminal history data may only
28 be disseminated by the Department of Public Safety to criminal
29 justice agencies or agencies approved by the Commissioner
30 of Public Safety and restricts the manner of redissemination.

31 The bill provides citizens with a right to review their
32 file and to request corrections and appeal to court if cor-
33 rections are not made.

34 The bill provides civil and criminal liability for viola-
35 tions and requires that arrests and dispositions of criminal

1 cases be reported to the Department of Public Safety.

2 The bill provides for review of the files and purging of
3 certain data.

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LSB0348CF(65)
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1 Amend the Milligan amendment S-207 to Senate File 115,
 2 page 3, by striking all of lines 1 through 19 and inserting
 3 in lieu thereof the following:
 4 "Sec. 12. NEW SECTION. There is hereby created a
 5 confidential records council consisting of seven
 6 members. The members shall include two legislative regular
 7 One legislative member shall be appointed from the members.
 8 representatives by the speaker of the house. house of
 9 islative member shall be appointed from the senate by leg-
 10 lieutenant governor. The other members of the council the
 11 be: the chief justice of the Iowa supreme court, or shall
 12 designee, and another judge of the supreme or district his
 13 appointed by the chief justice; one local law court
 14 official, appointed by the governor; and two private enforcement
 15 zens not connected with law enforcement or with citi-
 16 appointed by the governor. The council shall select government,
 17 own chairman. The members shall serve at the pleasure its
 18 those by whom their appointments are made. of
 19 The council shall have the following responsibilities
 20 and duties:

Page 2

1 1. Shall periodically monitor the operation of
 2 governmental information systems.
 3 2. Shall review the implementation and effective-
 4 ness of legislative and administrative rules and
 5 regulations concerning such systems.
 6 3. May recommend changes in said rules and regu-
 7 lations to the legislature and the appropriate admin-
 8 istrative officials.
 9 4. May require such reports from state agencies
 10 as may be necessary to perform its duties.
 11 5. Shall review complaints from the public con-
 12 cerning the operation of such systems.
 13 6. May conduct such inquiries and investigations
 14 as it finds appropriate to achieve the purposes of
 15 this act. The committee, each criminal justice agency
 16 in this state, and each state and local agency other-
 17 wise authorized access to criminal offender record
 18 information is authorized and directed to furnish to
 19 the council, upon request made by its chairman, such
 20 statistical data, reports, and other information as
 21 the council deems necessary to carry out its functions
 22 under this act.

1 7. Shall adopt regulations creating a continuing
2 program of data auditing and verification to assure
3 the accuracy and completeness of confidential record
4 information.

5 8. Shall adopt regulations to assure the prompt
6 and complete purging of criminal record information,
7 insofar as such purging is required

8 a. by any statute or valid administrative regula-
9 tion of this state;

10 b. by the order of any court of competent juris-
11 diction in this state;

12 c. by the law of any other jurisdiction, where
13 the data or records in question have originated in
14 that jurisdiction;

15 d. to correct any errors shown to exist in such
16 information;

17 e. to achieve any of the purposes of this act,
18 to improve the efficiency of criminal offender record-
19 keeping, or otherwise to promote the fair and efficient
20 administration of criminal justice.

21 9. Shall determine whether each agency requesting
22 access to criminal offender record information is
23 authorized such access under the terms of this act.

1 The committee shall, as to each such agency, make a
2 finding in writing of its eligibility or non eligi-
3 bility for such access. Except as provided in sub-
4 section (a) of this section, no such information shall
5 be disseminated to any agency prior to the committee's
6 determination of its eligibility.

7 (a) For a period of six months following the
8 adoption of this act, or until such time as the
9 committee completes its determination of the eligi-
10 bility or non eligibility for access of a requesting
11 agency, whichever first occurs, any such requesting
12 agency that is receiving criminal offender record
13 information at the time of this act's passage shall
14 be deemed to be eligible for such access.

15 The approval of the council would be required for
16 all agreements, arrangements and systems for the
17 interstate transmission and exchange of criminal
18 offender record information. The council may nominate
19 one or more of its members to serve on the council or
20 committee of any interstate system established for
21 the exchange of criminal offender record information.

22 The council shall meet at least annually and at
23 any other time upon the call of the governor, the

1 chairman of the council, or any three of its members.

2 Each council member shall be entitled to re-
3 imbursement for actual and necessary expenses incurred
4 in the performance of official duties from funds
5 appropriated to the department of public safety.

S-201

- 1 Amend Senate File 115 as follows:
- 2 1. Page 3, line 28, by inserting a period after the first
- 3 word "agencies" and by striking the words "or such other
- 4 public agencies as are authorized by the commissioner of
- 5 public safety." in lines 28 and 29.
- 6 2. Page 3, line 30, by striking the words "individual
- 7 or".

S-201 Filed *Withdrawn 3/8* By PALMER
March 5, 1973

S-202

- 1 Amend Senate File 115, page 4, line 21, by inserting
- 2 a period after the word "identified" and by striking the
- 3 remainder of line 21 and all of lines 22 through 25.

S-202 Filed *Adopted 3/8* By PALMER
March 5, 1973

S-200

- 1 Amend Senate File 115, page 3, line 20, by inserting a
- 2 period following the word "crime" and by striking the
- 3 remainder of line 20 and all of line 21.

S-200 Filed *Rebilled out of order* BY PALMER
March 5, 1973 *with the adoption*
of S-211A 3/8

S-203

- 1 Amend Senate File 115, page 4, line 31, by inserting a
- 2 period following the word "examination" and by striking
- 3 the remainder of line 31 and all of lines 32 through 35.

S-203 Filed *Adopted 3/7* By PALMER
March 5, 1973

S-114 - *Withdrawn 3/7*

- 1 Amend Senate File 115 as follows:
- 2 1. Page 7, line 3 by inserting after the word "officer"
- 3 the words ",criminal justice agencies".
- 4 2. Page 7, line 3 by inserting after the word "or" the
- 5 word "authorized".
- 6 3. Page 9, by striking lines 9 through 16, inclusive,
- 7 and
- 7 inserting in lieu thereof the following:
- 8 Sec. ____ . NEW SECTION. EXCLUSIONS. Criminal
- 9 data does not include juvenile data after the person has history
- 10 reached twenty-five years of age and has had no
- 11 convictions for an indictable misdemeanor or felony. intervening

Filed
February 21, 1973

By COMMITTEE ON JUDICIARY

- 1 Amend Senate File 115 as follows:
- 2 1. Page 3, by striking lines 22 through 24, inclusive. } A
- 3 2. Page 3, line 27, by striking the word "only". } B
- 4 3. Page 5, by striking lines 21 through 32, inclusive, } C
- 5 and by renumbering the remaining sections. } D
- 6 4. Page 5, line 35, by inserting after the word "history" } E
- 7 the words "or intelligence". } F
- 8 5. Page 6, line 5, by inserting after the word "shall" } G
- 9 the words ", upon conviction,". } H
- 10 6. Page 6, line 7, by inserting a period after the word } I
- 11 "dollars" and by striking the remainder of line 7 and } J
- 12 all of lines 8 through 35, inclusive, and by inserting } K
- 13 in lieu thereof the following: } L
- 14 "2. If a person convicted under this section is a } M
- 15 public official or a public employee such person shall } N
- 16 be removed from office or discharged." } O
- 17 7. Page 7, by striking lines 7 and 8 and inserting in } P
- 18 lieu thereof the following: "Intelligence data shall } Q
- 19 not be computerized." } R
- 20 8. Page 7, line 14, by striking the words "make available" } S
- 21 and inserting in lieu thereof the word "provide". } T
- 22 9. Page 9, line 5, by striking all after the period. } U
- 23 and by striking lines 6 through 8, inclusive. } V

S-206 Filed - 1, 5 & adopted 3/9 By HILL
 March 5, 1973, See book

The amendment to division S-206A was adopted.
 On motion of Senator Hill, division S-206A as amended was adopted.

Senator Hill moved the adoption of division S-206B.
 Division S-206B lost.

Senator Hill moved the adoption of division S-206C.
 Division S-206C lost.

Senator Hill moved the adoption of division S-206D.
 Division S-206D lost.

On motion of Senator Hill, division S-206E was adopted.
 Division S-206F ruled out of order with the adoption of division S-211A of the judiciary committee amendment.

Division S-206H ruled out of order with the adoption of division S-211C of the judiciary committee amendment.

Senator Taylor offered amendment S-214 to division S-206G filed by Senators Taylor and Hultman and moved its adoption:

- 1 Amend the Hill amendment S-206, line 21, by striking the word
- 2 "provide" and inserting in lieu thereof the word "require".

The amendment to division S-206G was adopted.
 On motion of Senator Hill, division S-206G as amended was adopted.

S-209

1 Amend Senate File 115, page 3, lines 3 and 4
2 by striking the words "a juvenile delinquency adjudi-
3 cation" and inserting in lieu thereof the words
4 "indictable misdemeanors and felonies committed by a
5 juvenile".

S-209 Filed *withdrawn 2/8* By DODERER
March 6, 1973 *withdrawn 2/8*

S-208

1 Amend Senate File 115, page 9, line 13 by striking
2 the period and inserting in lieu thereof the words
3 "unless the person is still incarcerated on the original
4 conviction."

S-208 Filed - *See 3/6* By DODERER
March 6, 1973

S-210

1 Amend Senate File 115 as follows:
2 1. Page 2, line 19, by striking the word "whether"
3 and adding after the word "information", the following:
4 "when filed by a peace officer or law enforcement officer".
5 2. Page 2, line 23, by adding after the words
6 "convicted of", the following: "or entered a plea of
7 guilty
8 to".
9 3. Page 2, line 26, by adding after the word
10 "subsequent",
11 the following: "and incidental".
12 Page 2, line 27, by adding after the word "includes",
13 the following: "dismissal of the charge,".
14 4. Page 3, line 32, by adding after the word "agencies",
15 the following: "and criminal justice agencies".
16 Page 3, line 32, by adding after the word "request",
17 the following: "and receive".
18 5. Page 5, line 18, after the word "their" by striking
19 the remaining language in Section 5 and inserting in lieu
20 thereof the following: "files. Upon application to the
21 district court, service of notice on the commissioner of
22 public safety, and upon showing good cause, any individual
may request and obtain a copy of the list of persons and
agencies who received copies of his criminal history files."

S-210 Filed By RAMSEY and KELLY
March 6, 1973

S-213

1 Amend the Judiciary Committee Amendment S-211, line 11,
2 by inserting after the word "safety" the words "or a
3 criminal justice agency".

S-213 Filed *Admitted 3/7* By GLENN
March 6, 1973

S-212

1 Amend Judiciary Committee Amendment S-211, page 1, by
2 striking line 13 and inserting in lieu thereof the
3 following: "officer or criminal justice agency after".

S-212 Filed *Admitted 3/7* By GLENN and DODERER
March 6, 1973 *Admitted 3/7*

S-125

Withdrawn 3/7

1 Amend Senate File 115 as follows:
2 Page 7, line 6, by adding the following new sentence:
3 "Whenever intelligence data relating to a defendant
4 prior to sentencing has been provided a court, the court
5 shall inform the defendant that it is in possession of
6 data and shall, upon request of the defendant or his
7 ney, permit examination of such data, hearing and
8 tion of witnesses relating thereto on or before the time
9 set for sentencing." such
attor-
examina-

Filed
February 21, 1973

By GLENN and WILLITS

S-126

1 Amend Senate File 115 as follows:
2 Page 9, lines 15 and 16 by inserting a period (.)
3 following the word "dismissed" and striking the
4 lines 15 and 16. remainder of
fol-

Filed - *Adopted 3/9*
February 21, 1973

By GLENN

S-127

1 Amend Senate File 115 as follows:
2 1. Page 5, line 2, by striking the word "fact" and
3 ing in lieu thereof the word "statement". insert-
4 2. Page 5, line 3, by striking the word "incorrect"
5 inserting in lieu thereof the following: "nonfactual,
6 information not authorized to be kept by section one
7 of this Act,". and
or
(1)

Filed - *Adopted 3/9*
February 21, 1973

By DE KOSTER and WILLITS

S-214

1 Amend the Hill amendment S-206, line 21 by striking
2 "provide" and inserting in lieu thereof the word
"require". the word

S-214 Filed - *Adopted 3/9*
March 7, 1973

By TAYLOR and HULTMAN

- 1 Amend Senate File 115 as follows:
- 2 1. Page 4, line 28, by striking the comma.
- 3 2. Page 4, line 30, by striking the word
- 4 "him" and inserting in lieu thereof the words
- 5 "the person".
- 6 3. Page 5, line 20, by striking the word
- 7 "file" and inserting in lieu thereof the word
- 8 "data".
- 9 4. Page 5, line 22, by striking the word
- 10 "chapter" and inserting in lieu thereof the
- 11 word "chapters".
- 12 5. Page 5, line 25, by striking the comma
- 13 and the word "any" and inserting in lieu
- 14 thereof a period and the word "Any".
- 15 6. Page 6, line 6, by striking the word
- 16 "fined" and inserting in lieu thereof the words
- 17 "punished by a fine of".
- 18 7. Page 6, line 7, by inserting the word
- 19 "for" before the word "not".
- 20 8. Page 6, line 8, by striking the word
- 21 "both" and inserting in lieu thereof the words
- 22 "by both fine and imprisonment".
- 23 9. Page 6, line 14, by inserting the word
- 24 "data" after the word "intelligence".
- 25 10. Page 6, line 15, by inserting the word

*Adopted
by 8-122
3/8*

Page 2

- 1 "data" after the word "intelligence".
- 2 11. Page 6, line 16, by striking the words
- 3 "or any".
- 4 12. Page 6, by striking lines 17 and 18.
- 5 13. Page 6, line 19, by striking the
- 6 words "relating thereto,".
- 7 14. Page 6, line 19, by striking the word
- 8 "fined" and inserting in lieu thereof the
- 9 words "punished by a fine of".
- 10 15. Page 6, line 21, by inserting the
- 11 word "for" before the word "not".
- 12 16. Page 6, line 21, by striking the
- 13 word "both" and inserting in lieu thereof
- 14 the words "by both fine and imprisonment".
- 15 17. Page 6, line 23, by inserting the word
- 16 "data" after the word "intelligence".
- 17 18. Page 7, line 3, by inserting the words
- 18 "and only" before the word "after".
- 19 19. Page 7, line 6, by inserting the word
- 20 "data" after the word "intelligence".
- 21 20. Page 7, line 23, by striking the word
- 22 "they" and inserting in lieu thereof the
- 23 words "the files".
- 24 21. Page 7, by striking lines 29 through
- 25 33 and inserting in lieu thereof the following:

*B - Withdrawn
3/8*

*C - Adopted
3/8*

D

S-215

1 Amend the Judiciary Committee amendment S-211, to
2 Senate File 115, line 16, by adding the following new
3 after the word "intelligence.": sentence
4 "Whenever intelligence data relating to a defendant
5 to sentencing has been provided a court, the court prior
6 the defendant or his attorney that it is in possession shall inform
7 data and shall, upon request of the defendant or his of such
8 permit examination of such data, hearing and examination attorney,
9 witnesses relating thereto on or before the time set for of
sentencing."

S-215 Filed and lost
March 7, 1973

By GLENN and WILLITS

S-211

1 Amend Senate File 115 as follows: *Adopted as amended by S-211, 3/6/73 2/6*
2 1. Page 3, by striking lines 19, 20 and 21 and inserting
3 in lieu thereof the following:
4 "11. 'Intelligence data' means information concerning
5 any person's or organization's alleged involvement and
6 participation in criminal activities."
7 2. Page 7, by striking lines 1 through 8, inclusive, and
8 inserting in lieu thereof the following:
9 "Sec. 8. NEW SECTION. INTELLIGENCE DATA. Intelligence
10 data contained in the files of the department of public
11 safety shall not be placed within an automated system.
12 Intelligence data may only be distributed to a peace
13 officer, criminal justice agency, or public agency after
14 the commissioner of public safety or his delegate has been
15 advised of the need to know and the intended use of the
16 intelligence."
17 3. Page 8, line 18, by striking the words "within seven
18 days of" and inserting in lieu thereof the words "not
19 more than thirty-five days from".
20 4. Page 9, by striking lines 2 through 8, inclusive,
21 and inserting in lieu thereof the following:
22 "Sec. 15. NEW SECTION. REVIEW AND REMOVAL. At least
23 every year the Bureau shall review and determine current
24 status of all Iowa arrests reported after the effective
25 date of this Act which are at least one year old with no

Page 2

1 disposition data. Any Iowa arrest recorded within a
2 computer data storage system which has no disposition data
3 after five years shall be removed unless there is an out-
4 standing arrest warrant or detainer on such charge."
5 5. Page 9, line 9, by inserting after the word "data"
6 the words "in a computer data storage system".

S-211 Filed
March 6, 1973

By COMMITTEE ON JUDICIARY

S-220

1 Amend the Judicial Committee Amendment, S-211 to
Senate File

2 115, filed March 6, 1973 as follows:

3 1. Line 11, by striking the word "automated" and
inserting in lieu
4 thereof the words "computer data storage".

S-220 Filed and adopted By KELLY
March 7, 1973

S-216

1 Amend the Hill amendment S-206, to Senate File 115,
filed
2 March 5, 1973, by striking line 2 and inserting in lieu
thereof

3 the following:

4 "2. Page 3, by striking lines 22 through 24, and
inserting

5 in lieu thereof the following:

6 "Intelligence data shall not include surveillance
7 information on individuals pertaining to participation

8 organizations, groups, meetings or assemblies unless a
criminal

9 act has been committed or is imminently threatened by
such

10 organization, group, meeting or assembly."

S-216 Filed *Adopted 3/9* By GLENN
March 7, 1973

S-225

1 Amend Senate File 115 as follows:

2 1. Page 3, line 29, by striking the words
3 "commissioner of public safety" and inserting in lieu
thereof

4 the words "confidential records council".

5 2. Page 7, by striking all of lines 13 through 16
6 and inserting in lieu thereof the following:

7 Sec. 10. NEW SECTION. EDUCATION PROGRAM. The con-
8 fidential records council shall carry out a continuing
ed-

9 ucational program in the proper use and control of
criminal

10 history and intelligence data for the employees of all
agen-

11 cies that maintain or receive criminal history or
intelli-

12 gence data.

S-225 Filed *Adopted 3/9* By WILLITS
March 7, 1973

S-223

1 Amend Senate File 115 as follows:

2 1. Page 3, line 31, by inserting a comma "," after
3 the word "disseminated" and striking the words "and the
4 of dissemination." and inserting in lieu thereof the
5 "the date of dissemination and the purpose for which the
6 information is requested."

7 2. Page 4, line 32, by striking the words
8 "including fingerprinting,"

9 3. Page 4, line 35, by adding the following new
10 sentence:

11 "A person shall be furnished a certified copy of
12 record upon payment of the costs of certification." his

13 4. Page 5, line 12, by inserting a period after
14 and striking the words "and in no other situation shall
15 bureau furnish an individual or his attorney with a
16 the certifi-
17 ed copy, except as provided by this Act."

18 5. Page 8, line 1, by striking the word
"automated".

6. Page 8, line 5, by striking the word
"automated".

*withdrewn
3/9*

*adopted
3/9*

S-223 Filed *Sec 5 and 6 adopted* By WILLITS
March 7, 1973 *1-4 w.d. 3/9*

S-226

1 Amend the Judiciary Committee amendment S-211, to
2 Senate File 115, line 16, by adding the following new
3 sentence
4 after the word "intelligence.":

5 "Whenever intelligence data relating to a defendant
6 to sentencing has been provided a court, the court
7 shall inform
8 the defendant or his attorney that it is in possession
9 of such
10 data and shall, upon request of the defendant or his
11 attorney,
12 permit examination of such data. If the court finds
13 reasonable
14 doubt as to the accuracy of such information, it may
15 require
16 a hearing and the examination of witnesses relating
17 thereto on
18 or before the time set for sentencing."

S-226 Filed and adopted By DE KOSTER
March 7, 1973

50

S--224

- 1 Amend amendment S-211, by the Committee on Judiciary,
- 2 filed March 6, 1973, to Senate File 115, as follows:
- 3 1. Line 12 by inserting the words "by the department
- 4 of public safety" after the word "distributed".

S--224 Filed *Action Temp. Deferred 3/7* BY RILEY
March 7, 1973 *Withdrawn 3/7*

S--227

- 1 Amend the Committee on Judiciary amendment S-211 to
- 2 Senate File 115 as follows:
- 3 1. Line 12, by inserting after the word "data" the
- 4 words "contained in the files of the department of public
- 5 safety".

S--227 Filed and adopted BY RILEY
March 7, 1973

S--228

- 1 Amend the Committee on Judiciary amendment S-211 to
- 2 Senate File 115 as follows:
- 3 1. Line 13 by inserting a period after the second
- 4 "agency" and by inserting before the word "after" the word
- 5 "Such distribution shall only be made". words

S--228 Filed - *Adopted 3/8* BY RILEY
March 7, 1973

S-229

- 1 Amend Senate File 115, page 9, by adding after line 25
- 2 the following new section:
- 3 Sec. ____ . NEW SECTION. NOTICE TO INDIVIDUALS. Whenever
- 4 a peace officer detains, deters, or arrests an individual
- 5 and utilizes the files of any criminal justice agency to
- 6 obtain the record of that individual, he must immediately so
- 7 inform the individual the request has been made for his
- 8 criminal history data.

S--229 Filed - *Adopted 3/9* BY SCHABEN and KENNEDY
March 7, 1973

S--235

- 1 Amend the judiciary committee amendment S-211, Senate
- 2 File 115, page 1, by striking line 13 and inserting in lieu
- 3 thereof, the following:
- 4 "officer, criminal justice agency, or state or federal
- 5 regulatory agency after".

Filed and adopted
March 8, 1973

By GLENN

S--241

- 1 Amend amendment S-238, Senate File 115, page 4, by
- 2 striking the words "or intelligence data" in line 6.

S--241 Filed - *Adopted 3/8* BY DODERER
March 8, 1973

S-238

1 Amend Senate File 115, page 4, by striking lines 3
2 and 4 and inserting in lieu thereof the following:
3 "Sec. 3. NEW SECTION. REDISSEMINATION. A peace
4 officer, criminal justice agency, or state or federal
5 regulatory agency shall not disseminate criminal
6 history data or intelligence data, within".

S-238 Filed - *Adopted* By DODERER
March 8, 1973 - *amended 2/8* S-241

S-233

1 Amend Senate File 115 by striking lines 2 through 5,
2 page 3, and inserting in lieu thereof the following:
3 "8. 'Juvenile data' means information pertaining to
4 completed court action regarding a juvenile delinquency
5 adjudication when such adjudication is based on violation
6 of federal, state or local law or ordinances which, if
7 committed by an adult, would be an indictable misdemeanor
8 or felony. Information shall include the date, court, and
9 basis for the adjudication."

S-233 Filed - *Adopted 2/8* By DODERER
March 8, 1973

S-232

1 Amend Senate File 115, page 3, by adding after line
2 24 the following new subsection:
3 "12. 'Public agency' means agencies, departments, and
4 commissions of the state and federal government."

S-232 Filed - *withdrawn 3/8* By RILEY
March 7, 1973

S-246

1 Amend Senate File 115, as follows:
2 Page 5, line 18, after the word "their" by striking
3 the remaining language in Section 5 and inserting in
4 lieu thereof the following: "files. Upon application
5 to the district court, service of notice on the
6 commissioner of public safety, any individual may
7 request and obtain a list of all persons and agencies
8 who received criminal history data referring to him,
9 unless good cause be shown why the individual should
10 not receive said list."

S-246 Filed and adopted By RAMSEY and KELLY
March 9, 1973

S-231

1 Amend Senate File 115, page 3, line 30, by inserting
2 before the word "list" the words "complete computer
3 automated".

S-239

1 Amend the Milligan amendment S-207 to Senate File
2 115, page 3, by striking all of lines 1 through 19 and
3 inserting in lieu thereof the following:
4 "Sec. 12. NEW SECTION. There is hereby created a
5 confidential records council consisting of nine regular
6 members. The members shall include four legislative
7 Two legislative members shall be appointed from the
8 of representatives by the speaker of the house, one
9 majority party and one from the minority party. Two
10 members shall be appointed from the senate by the
11 governor, one from the majority party and one from the
12 party. The other members of the council shall be: the
13 justice of the Iowa supreme court, or his designee, and
14 judge of the supreme or district court appointed by the
15 justice; one local law enforcement official, appointed
16 governor; and two private citizens not connected with
17 enforcement or with government, appointed by the
18 council shall select its own chairman. The members
19 serve at the pleasure of those by whom their
20 made.

S-239 Filed, considered
and deferred
March 8, 1973

By WILLITS

S-240

1 Amend Senate File 115, page 4, by adding the following
2 new paragraph after line 12:
3 "A peace officer, criminal justice agency, or state or
4 federal regulatory agency shall not disseminate
5 data, within or without the agency, received from the
6 ment or bureau, except as provided in subsections one (1)
7 two (2) of this section."

S-240 Filed - *Adopted 2/8*
March 8, 1973

By DODERER

1 The council shall have the following responsibilities
2 and duties:

3 1. Shall periodically monitor the operation of
4 governmental information systems which deal with the collec-
5 tion, storage, use and dissemination of criminal history
6 or intelligence data.

7 2. Shall review the implementation and effectiveness
8 of legislation and administrative rules and regulations
9 concerning such systems.

10 3. May recommend changes in said rules and regulations
11 and legislation to the legislature and the appropriate ad-
12 ministrative officials.

13 4. May require such reports from state agencies as
14 may be necessary to perform its duties.

15 5. May receive and review complaints from the public
16 concerning the operation of such systems.

17 6. May conduct such inquiries and investigations as
18 it finds appropriate to achieve the purposes of this Act.
19 Each criminal justice agency in this state and each state
20 and local agency otherwise authorized access to criminal
21 history data is authorized and directed to furnish to the
22 council, upon its request, such statistical data, reports,
23 and other information in its possession as the council
24 deems necessary to carry out its functions under this Act.

Page 3

1 7. Shall annually approve rules and reg-
2 ulations adopted in accordance with section nine (9) of
3 this Act and rules and regulations to assure the accuracy, com-
4 pleteness and proper purging of criminal history data.

5 8. Shall approve all agreements, arrangements and sys-
6 tems for the interstate transmission and exchange of crim-
7 inal history data."

S-245 Filed and adopted
March 9, 1973

By WILLITS
MILLIGAN
KELLY
RAMSEY
GLUBA

1 Amend Senate File 115 by adding the following new
sec-
2 tion after line 25 on page 9:
3 "Sec. ____ . NEW SECTION. There is hereby created a
4 confidential records council consisting of nine regular
5 members. Two members shall be appointed from the house
of
6 representatives by the speaker of the house, no more
than
7 one of whom shall be from the same party. Two members
shall
8 be appointed from the senate by the lieutenant governor,
9 no more than one of whom shall be from the same party.
10 The other members of the council shall be: a judge of
the
11 district court appointed by the chief justice of the
supreme
12 court, one local law enforcement official, appointed by
the governor;
13 the commissioner of public safety or his designee; and
two
14 private citizens not connected with law enforcement or
with
15 government, appointed by the governor. The council
shall
16 select its own chairman. The members shall serve at
the
17 pleasure of those by whom their appointments are made.
18 The council shall meet at least annually and at any
19 other time upon the call of the governor, the chairman
of
20 the council, or any three of its members. Each council
mem-
21 ber shall be entitled to reimbursement for actual and
nec-
22 essary expenses incurred in the performance of official
23 duties from funds appropriated to the department of
public
24 safety.

March 19, 1973

SENATE FILE 115

How Judiciary & Law Enforcement - Pass 3/25

Senate File 115
Crawford, Chairman
Logue
Jesse

By MILLIGAN
(Hill and Small)

DMENTS

LD FACE

(AS PASSED BY THE SENATE)

Passed Senate, Date *6-21-73 (1977)* Passed House, Date *4-13-73*

Vote: Ayes *46* Nays *0* Vote: Ayes *52* Nays *44*

Approved *7-21-73*

*Passed House on amendment
by Senate 6-22-73 (2254)*
81-8

*motion to rec number 4/16
prevailed 5/11
withdraw 5/14*

A BILL FOR

- 1 An Act relating to disclosure of criminal history and intelli-
- 2 gence data and providing penalties.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION.* DEFINITIONS OF WORDS AND
2 PHRASES.

3 As used in this Act, unless the context otherwise requires :

4 1. "Department" means the department of public safety.

5 2. "Bureau" means the department of public safety, divi-
6 sion of criminal investigation and bureau of identification.

7 3. "Criminal history data" means any or all of the follow-
8 ing information maintained by the department or bureau in
9 a manual or automated data storage system and individually
10 identified :

11 a. Arrest data.

12 b. Conviction data.

13 c. Disposition data.

14 d. Correctional data.

15 e. Juvenile data

16 4. "Arrest data" means information pertaining to an arrest
17 for a public offense and includes the charge, date, time,
18 and place. Arrest data includes arrest warrants for all
19 public offenses outstanding and not served and includes the
20 filing of charges, by preliminary information when filed by
21 a peace officer or law enforcement officer or
22 indictment, the date and place of alleged commission and
23 county of jurisdiction.

24 5. "Conviction data" means information that a person was
25 convicted of or entered a plea of guilty to a public
26 offense and includes the date and
27 location of commission and place and court of conviction.

28 6. "Disposition data" means information pertaining to
29 a recorded court proceeding subsequent and incidental to a public
30 offense
31 arrest and includes dismissal of the charge, suspension or
32 deferral of sentence.

33 7. "Correctional data" means information pertaining to
34 the status, location and activities of persons under the
35 supervision of the county sheriff, the division of corrections
of the department of social services, board of parole or any
other state or local agency performing the same or similar

36 function, but does not include investigative, sociological,
37 psychological, economic or other subjective information main-
38 tained by the division of corrections of the department of

1 social services or board of parole.

2 8. "Juvenile data" means information pertaining to com-
3 pleted court action regarding a juvenile delinquency adjudi-
4 cation when such adjudication is based on violation of fed-
5 eral, state or local law or ordinances which, if committed
6 by an adult, would be an indictable misdemeanor or felony.
7 Information shall include the date, court, and basis for
8 the adjudication.

9 9. "Individually identified" means criminal history data
10 which relates to a specific person by one or more of the fol-
11 lowing means of identification:

12 a. Name and alias, if any.

13 b. Social security number.

14 c. Fingerprints.

15 d. Other index cross-referenced to paragraphs a, b, or
16 c.

17 e. Other individually identifying characteristics.

18 10. "Criminal justice agency" means any agency or depart-
19 ment of any level of government which performs as its princi-
20 pal function the apprehension, prosecution, adjudication,
21 incarceration, or rehabilitation of criminal offenders.

22 11. "Intelligence data" means information concerning any
23 person's or organization's alleged involvement and parti-
24 cipation in criminal activities. Intelligence data shall
25 not include surveillance information on individuals per-
26 taining to participation in organizations, groups, meet-
27 ings or assemblies unless a criminal act has been committed
28 or is imminently threatened by such organization, group,
29 meeting or assembly.

30 Sec. 2. *NEW SECTION.* DISSEMINATION OF CRIMINAL
HISTORY

31 DATA. The department and bureau may provide copies or commu-
32 nicate information from criminal history data only to criminal
33 justice agencies or such other public agencies as are
34 authorized by the confidential records council. The bureau
35 shall maintain a list showing the individual or agency to

36 whom the data is disseminated and the date of dissemination.

37 Authorized agencies and criminal justice agencies shall request

38 and receive criminal history data

39 only when:

40 1. The data is for official purposes in connection with

41 prescribed duties, and

1 2. The request for data is based upon name, fingerprints,
2 or other individual identifying characteristics.

3 **Sec. 3. NEW SECTION. REDISSEMINATION.** A peace officer,
4 criminal justice agency, or state or federal regulatory
5 agency shall not disseminate criminal history data, within
6 or without the agency, received from the department or bureau,
7 unless:

8 1. The data is for official purposes in connection with
9 prescribed duties of a criminal justice agency, and

10 2. The agency maintains a list of the persons receiving
11 the data and the date and purpose of the dissemination, and

12 3. The request for data is based upon name, fingerprints,
13 or other individual identification characteristics.

14 A peace officer, criminal justice agency, or state or
15 federal regulatory agency shall not disseminate intelli-
16 gence data, within or without the agency, received from
17 the department or bureau, except as provided in subsections
18 one (1) and two (2) of this section.

19 **Sec. 4. NEW SECTION. STATISTICS.** The department, bureau,
20 or a criminal justice agency may compile and disseminate
21 criminal history data in the form of statistical reports
22 derived from such information or as the basis of further study
23 provided individual identities are not ascertainable.

24 The bureau may with the approval of the commissioner of
25 public safety disseminate criminal history data to persons
26 conducting bona fide research, provided the data is not indi-
27 vidually identified.

28 **Sec. 5. NEW SECTION. RIGHT OF NOTICE, ACCESS AND**
29 **CHALLENGE.** Any person or his attorney with written authori-
30 zation and fingerprint identification shall have the right
31 to examine criminal history data filed with the bureau that
32 refers to the person. The bureau may prescribe reasonable hours
33 and places of examination.

1 Any person who files with the bureau a written statement
2 to the effect that a statement contained in the criminal history
3 data that refers to him is nonfactual, or information
4 not authorized to be kept by section one (1) of this Act,
5 and requests a correction
6 or elimination of that information that refers to him shall
7 be notified within twenty days by the bureau, in writing,
8 of the bureau's decision or order regarding the correction
9 or elimination. The bureau's decision or order or failure
10 to allow examination may be appealed to the district court
11 of Polk county by the person requesting said examination,
12 correction or elimination. Immediately upon such appeal the
13 court shall order the bureau to file with the court a certified
14 copy of the criminal history data and in no other situation
15 shall the bureau furnish an individual or his attorney with
16 a certified copy, except as provided by this Act.

17 Whenever the bureau corrects or eliminates data as requested
18 or as ordered by the court, the bureau shall advise all agen-
19 cies or individuals who have received the incorrect information
20 to correct their files. Upon application to the district court,
21 service of notice on the commissioner of public safety, any
22 individual may request and obtain a list of all persons and
23 agencies who received criminal history data referring to him,
24 unless good cause be shown why the individual should not re-
25 ceive said list.

26 Sec. 6. *NEW SECTION.* CIVIL REMEDY. Any person may
27 institute a civil action for damages under chapters twenty-
28 five A (25A) or six hundred thirteen A (613A) of the Code
29 or to restrain the dissemination of his criminal history or
30 intelligence data in violation of this Act, and any person, agency or
31 governmental body proven to have disseminated or to have
32 requested and received criminal history or intelligence data
33 in violation of this Act shall be liable for actual damages
34 and exemplary damages for each violation and shall be liable
35 for court costs, expenses, and reasonable attorneys' fees

36 incurred by the party bringing the action. In no case shall
37 the award for damages be less than one hundred dollars.

38 Sec. 7. *NEW SECTION. CRIMINAL PENALTIES.*

39 1. Any person who willfully requests, obtains, or seeks
40 to obtain criminal history data under false pretenses, or

1 who willfully communicates or seeks to communicate criminal
2 history data to any agency or person except in accordance
3 with this Act, or any person connected with any research
4 program authorized pursuant to this Act who willfully falsifies
5 criminal history data or any records relating thereto, shall, upon con-
6 viction,
7 for each such offense be punished by a fine of not more than one thou-
8 sand
9 dollars or by imprisonment in the state penitentiary for not more
10 than two years, or by both fine and imprisonment. Any person who
11 knowingly, but without
12 criminal purposes, communicates or seeks to communicate
13 criminal history data except in accordance with this Act shall
14 for each such offense be fined not more than one hundred
15 dollars or be imprisoned not more than ten days.

16 2. Any person who willfully requests, obtains, or seeks
17 to obtain intelligence data under false pretenses, or who willfully
18 communicates or seeks to communicate intelligence data to any
19 agency or person except in accordance with this Act,
20 shall for each such offense be punished by a fine of
21 not
22 more than five thousand dollars or by imprisonment in the
23 state penitentiary for not more than three years, or
24 by both fine and imprisonment. Any
25 person who knowingly, but without criminal purposes, communi-
26 cates or seeks to communicate intelligence data except in accor-
27 dance with this Act shall for each such offense be fined not
28 more than five hundred dollars or be imprisoned not more than
29 six months, or both.

30 3. If the person convicted under this section is a peace
31 officer, the conviction shall be grounds for discharge or
32 suspension from duty without pay and if the person convicted
33 is a public official or public employee, the conviction shall
34 be grounds for removal from office.

35 4. Any reasonable grounds that a public employee has
violated any provision of this Act shall be grounds for
immediate removal from access of any kind to criminal history

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—6B—

36 data or suspension from duty without pay.

1 **Sec. 8. NEW SECTION. INTELLIGENCE DATA.** Intelligence
2 data contained in the files of the department of public
3 safety or a criminal justice agency shall not be placed
4 within a computer data storage system. Intelligence data
5 contained in the files of the department of public safety
6 may only be distributed to a peace officer, criminal
7 justice agency, or state or federal regulatory agency.
8 Such distribution shall only be made after the commissioner
9 of public safety or his delegate has been advised of the
10 need to know and the intended use of the intelligence.
11 Whenever intelligence data relating to a defendant prior
12 to sentencing has been provided a court, the court shall
13 inform the defendant or his attorney that it is in pos-
14 session of such data and shall, upon request of the defend-
15 ant or his attorney, permit examination of such data. If
16 the court finds reasonable doubt as to the accuracy of such
17 information, it may require a hearing and the examination of
18 witnesses relating thereto on or before the time set for
19 sentencing.

20 **Sec. 9. NEW SECTION. RULES.** The department shall adopt
21 rules and regulations designed to assure the security and
22 confidentiality of all criminal history and intelligence data
23 systems.

24 **Sec. 10. NEW SECTION. EDUCATION PROGRAM.** The depart-
25 ment shall require an educational program for its employees
26 and the employees of criminal justice agencies on the proper
27 use and control of criminal history and intelligence data.

28 **Sec. 11. NEW SECTION. DATA PROCESSING.** Nothing in this
29 Act shall preclude the use of the equipment and hardware of
30 the data processing service center provided for in section
31 nineteen B point three (19B.3), subsection five (5), of the
32 Code for the storage and retrieval of criminal history data.
33 Files shall be stored on the computer in such a manner as
34 the files cannot be modified, destroyed, accessed, changed or
35 overlayed in any fashion by noncriminal justice agency

36 terminals or personnel. That portion of any computer,
37 electronic switch or manual terminal having access to criminal
38 history data stored in the state computer must be under the
39 management control of a criminal justice agency.

40 Sec. 12. *NEW SECTION.* REVIEW. The department shall
41 initiate periodic review procedures designed to determine
42 compliance with the provisions of this Act within the
43 department and by criminal justice agencies and to determine
44 that data furnished to them is factual and accurate.

45 Sec. 13. *NEW SECTION.* SYSTEMS FOR THE EXCHANGE OF
CRIMINAL
46 HISTORY DATA. The department shall regulate the participation

1 by all state and local agencies in any system for
2 the exchange of criminal history data, and shall be responsible
3 for assuring the consistency of such participation with the terms
4 and purposes of this Act.

5 Direct access to such systems shall be limited
6 to such criminal justice agencies as are expressly designated
7 for that purpose by the department. The department shall,
8 with respect to telecommunications terminals employed in the
9 dissemination of criminal history data, insure that security
10 is provided over an entire terminal or that portion actually
11 authorized access to criminal history data.

12 Sec. 14. *NEW SECTION.* REPORTS TO DEPARTMENT. When ^{it}

13 comes to the attention of a sheriff, police department, or
14 other law enforcement agency that a public offense has been
15 committed in its jurisdiction, it shall be the duty of the
16 law enforcement agency to report information concerning such
17 crimes to the bureau on a form to be furnished by the bureau
18 not more than thirty-five days from the time the crime
19 first comes to the
20 attention of such law enforcement agency. These reports shall
21 be used to generate crime statistics. The bureau shall submit
22 statistics to the governor, legislature and crime commission
23 on a quarterly and yearly basis.

24 When a sheriff, police department or other law enforcement
25 agency makes an arrest which is reported to the bureau, the
26 arresting law enforcement agency and any other law enforcement
27 agency which obtains custody of the arrested person shall
28 furnish a disposition report to the bureau whenever the
29 arrested person is transferred to the custody of another
30 law enforcement agency or is released without having a com-
31 plaint or information filed with any court.

32 Whenever a criminal complaint or information is filed in
33 any court, the clerk, or if there be no clerk, the judge of
34 the court shall furnish a disposition report of such case.

35 The disposition report, whether by a law enforcement agency

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~~—8B—~~

36 or court, shall be sent to the bureau within thirty days after

1 disposition on a form provided by the bureau.

2 **Sec. 15. NEW SECTION. REVIEW AND REMOVAL.** At least
3 every

4 year the bureau shall review and determine current status
5 of all Iowa arrests reported after the effective date of
6 this Act which are at least one year old with no disposition
7 data. Any Iowa arrest recorded within a computer data
8 storage system which has no disposition data after five
9 years shall be removed unless there is an outstanding
10 arrest warrant or detainer on such charge.

11 **Sec. 16. NEW SECTION. EXCLUSIONS.** Criminal history data
12 in a computer data storage system does not include:

13 1. Juvenile data after the person has reached twenty-five
14 years of age and has had no intervening convictions for an
15 indictable misdemeanor or felony.

16 2. Arrest data after the person has been acquitted or
17 the charges dismissed.

18 **Sec. 17. NEW SECTION. PUBLIC RECORDS.** Nothing in this
19 Act shall prohibit the public from examining and copying the
20 official public records of any public body or agency as
21 authorized by chapter sixty-eight A (68A) of the Code.

22 The collection of criminal history and intelligence data
23 by the department or bureau and the dissemination of this
24 data to criminal justice agencies is not a public record
25 within the provisions of chapter sixty-eight A (68A) of the
26 Code.

27 **Sec. 18. NEW SECTION. NOTICE TO INDIVIDUALS.** When-
28 ever a peace officer detains, deters or arrests an indi-
29 vidual and utilizes the files of any criminal justice
30 agency to obtain the record of that individual, he must
31 immediately so inform the individual the request has been
32 made for his criminal history data.

33 **Sec. 19. NEW SECTION.** There is hereby created a
34 confidential records council consisting of nine regular
35 members. Two members shall be appointed from the house of
representatives by the speaker of the house, no more than

36 one of whom shall be from the same party. Two members shall
37 be appointed from the senate by the lieutenant governor,
38 no more than one of whom shall be from the same party.
39 The other members of the council shall be: a judge of the
40 district court appointed by the chief justice of the supreme
41 court, one local law enforcement official, appointed by the
42 governor; the commissioner of public safety or his designee;
43 and two private citizens not connected with law enforcement
44 or with government, appointed by the governor. The council
45 shall select its own chairman. The members shall serve at
46 the pleasure of those by whom their appointments are made.

47 The council shall meet at least annually and at any
48 other time upon the call of the governor, the chairman of
49 the council, or any three of its members. Each council mem-
50 ber shall be entitled to reimbursement for actual and nec-
51 essary expenses incurred in the performance of official
52 duties from funds appropriated to the department of public
53 safety.

54 The council shall have the following responsibilities
55 and duties:

56 1. Shall periodically monitor the operation of
57 governmental information systems which deal with the collec-
58 tion, storage, use and dissemination of criminal history or
59 intelligence data.

60 2. Shall review the implementation and effectiveness
61 of legislation and administrative rules and regulations
62 concerning such systems.

63 3. May recommend changes in said rules and regulations
64 and legislation to the legislature and the appropriate admin-
65 istrative officials.

66 4. May require such reports from state agencies as
67 may be necessary to perform its duties.

68 5. May receive and review complaints from the public
69 concerning the operation of such systems.

70 6. May conduct such inquiries and investigations as

71 it finds appropriate to achieve the purposes of this Act.
72 Each criminal justice agency in this state and each state
73 and local agency otherwise authorized access to criminal
74 history data is authorized and directed to furnish to the
75 council, upon its request, such statistical data, reports,
76 and other information in its possession as the council deems
77 necessary to carry out its functions under this Act.

78 7. Shall annually approve rules and regulations
79 adopted in accordance with section nine (9) of this Act
80 and rules and regulations to assure the accuracy, complete-
81 ness and proper purging of criminal history data.

82 8. Shall approve all agreements, arrangements and
83 systems for the interstate transmission and exchange of
84 criminal history data.

85 EXPLANATION

86 This bill provides that criminal history data may only
87 be disseminated by the Department of Public Safety to criminal
88 justice agencies or agencies approved by the Commissioner
89 of Public Safety and restricts the manner of redissemination.

90 The bill provides citizens with a right to review their
91 file and to request corrections and appeal to court if cor-
92 rections are not made.

93 The bill provides civil and criminal liability for viola-
94 tions and requires that arrests and dispositions of criminal

S. F. 115

—10—

- 1 cases be reported to the Department of Public Safety.
- 2 The bill provides for review of the files and purging of
- 3 certain data.

HOUSE AMENDMENT TO SENATE FILE 115

- 1 Amend Senate File 115, as amended, passed, and reprinted
2 by the Senate as follows:
3 1. Page 2A, by striking line 14.
4 2. Page 3A, by striking lines 2 through 8 inclusive,
5 and inserting in lieu thereof the following:
6 8. "Public offense" as used in subsection four (4),
7 five (5), and six (6) of this section does not include
8 nonindictable offenses under either chapter three hundred
9 twenty-one (321) of the Code or local traffic ordinances.
10 3. Page 3A, by striking lines 22 through 29 and
11 inserting in lieu thereof the following:
12 11. "Intelligence data" means information collected
13 where there are reasonable grounds to suspect involvement
14 or participation in criminal activity by any person.
15 12. "Surveillance data" means information on
16 individuals, pertaining to participation in organizations,
17 groups, meetings or assemblies, where there are no
18 reasonable grounds to suspect involvement or participation
19 in criminal activity by any person.
20 4. Page 3A, line 33, by inserting a comma before
21 the word "or".
22 5. Page 3B, line 38, by inserting after the word
23 "and" the word "may".
24 6. Page 4, line 17, by inserting after the word
25 "bureau" the words "or from any other source".

Page 2

- 1 7. Page 5A, by striking line 4 and inserting in
2 lieu thereof the following:
3 "not authorized by law to be kept,".
4 8. Page 5A, by inserting at the end of line 16 the
5 following:
6 "Upon the request of the appellant, the record and
7 evidence in such cases shall be closed to all but the court
8 and its officers, and access thereto shall be refused
9 unless otherwise ordered by the court. The clerk shall
10 maintain a separate docket for such actions. No person,
11 other than the appellant shall permit a copy of any of the
12 testimony or pleadings or the substance thereof to be
13 made available to any person other than a party to the
14 action or his attorney. Violation of the provisions of
15 this section shall be a public offense, punishable under
16 section seven (7) of this Act."
17 9. Page 5A, line 20, by striking the comma and inserting
18 in lieu thereof the word "and".
19 10. Page 5A, lines 29 and 32, by inserting after the
20 word "history" the word "data".
21 11. Page 6A and 6B, by striking lines 33 through 36
22 and inserting in lieu thereof the following:
23 "4. Any reasonable grounds for belief that a public
24 employee has violated any provision of this Act shall
25 be grounds for immediate removal from all access to

Page 3

1 criminal history data and intelligence data."

2 12. Page 7A, by striking all of line 4 after the
3 period and all of lines 5 through 10 and inserting in lieu
4 thereof the following:

5 "Intelligence data in the files of the department may
6 be disseminated only to a peace officer, criminal justice
7 agency, or state or federal regulatory agency, and only
8 if the department is satisfied that the need to know and
9 the intended use are reasonable."

10 13. Page 7A, by striking from lines 11 and 12 the
11 words "prior to" and inserting in lieu thereof the words
12 "for the purpose of".

13 14. Page 7A, by inserting after the period in line 15
14 the following:

15 "If the defendant disputes the accuracy of the
16 intelligence data, he shall do so by filing an affidavit
17 stating the substance of the disputed data and wherein
18 it is inaccurate."

19 15. Page 7A, by inserting after line 19 the following:

20 "Sec. 9. NEW SECTION. No surveillance data shall be
21 placed in files or manual or automated data storage
22 systems by the department or bureau or by any peace
23 officer or criminal justice agency. Violation of the
24 provisions of this section shall be a public offense
25 punishable under section seven (7) of this Act."

Page 4

1 16. Page 7A, line 22, by inserting after the word
2 "history" the word "data".

3 17. Page 7A, line 27, by inserting after the word
4 "history" the word "data".

5 18. Page 8A, lines 33 and 34, by striking the words
6 ", or if there be no clerk, the judge of the court".

7 19. Page 9A, line 11, by striking the words "in a
8 computer data storage system".

9 20. Page 9A, by striking lines 12 through 14.

10 21. Page 9A, line 15, by inserting the words "or
11 disposition" after the word "arrest".

12 22. Page 9A, line 19, by striking the word
13 "official".

14 23. Page 9A, by striking lines 21 through 23 and
15 inserting in lieu thereof the following:

16 "Criminal history data and intelligence data in the
17 possession of the department or bureau, or disseminated
18 by the department or bureau, are not public records".

19 24. Page 9A, by striking lines 26 through 31.

20 25. Page 9B, line 44, by striking the words "or
21 with government".

22 26. Page 9C, by inserting the following at the end
23 of line 77: "However, the council and its members,
24 in such capacity, shall not have access to criminal
25 history data or intelligence data unless it is data

Senate 11
May 17, 1973

Page 5

1 from which individual identities are not ascertainable
2 or data which has been masked so that individual
3 identities are not ascertainable. However, the council
4 may examine data from which the identity of an individual
5 is ascertainable if requested in writing by that
6 individual or his attorney with written authorization and
7 fingerprint identification."

8 27. By renumbering cross references and sections
9 when necessary.

Received from the House
May 16, 1973

*Concurred as amended by
S. 956 and S-720 6/21*

S-720

- 1 Amend the House amendment to Senate File 115 as follows:
2 1. Page 1, by adding the following after line 23:
3 6. Page 4, by adding the following after line 2:
4 The provisions of this section and section three (3) of
5 this Act which relate to the requiring of an individually
6 identified request prior to the dissemination or redissemina-
7 tion of criminal history data shall not apply to the
8 furnishing of criminal history data to the federal bureau of
9 investigation or to the dissemination or redissemination of
10 information that an arrest warrant has been or will be
11 issued, and other relevant information including but not
12 limited to, the offense and the date and place of alleged
13 commission, individually identifying characteristics of the
14 person to be arrested, and the court or jurisdiction issuing
15 the warrant.
16 2. Page 5, by adding the following after line 7:
17 27. Page 9C, by adding the following after line 84:
18 Sec. ____ . NEW SECTION. The provisions of sections two (2)
19 and three (3) of this Act shall not apply to the certifying
20 of an individual's operating record pursuant to section three
21 hundred twenty-one A point three (321A.3) of the Code.
22 3. By renumbering the amendments.

S-720 Filed *Adopted 6/21*
June 1, 1973

By MILLIGAN

S-956

- 1 Amend the House amendment to Senate File 115, page 4, by
2 striking lines 7 and 8.

S-956 Filed *Adopted 6/21*
June 20, 1973

By KELLY, KENNEDY and RILEY

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 115

- 1 Amend the House amendment to Senate File 115 as follows:
2 1. Page 1, by adding the following after line 23.
3 6. Page 4, by adding the following after line 2:
4 The provisions of this section and section three (3) of
5 this Act which relate to the requiring of an individually
6 identified request prior to the dissemination or redissemina-
7 tion of criminal history data shall not apply to the furnishing
8 of criminal history data to the federal bureau of investigation
9 or to the dissemination or redissemination of information that
10 an arrest warrant has been or will be issued, and other relevant
11 information including but not limited to, the offense and the
12 date and place of alleged commission, individually identifying
13 characteristics of the person to be arrested, and the court
14 or jurisdiction issuing the warrant.
15 2. Page 4, by striking lines 7 and 8.
16 3. Page 5, by adding the following after line 7:
17 27. Page 9C, by adding the following after line 84:
18 Sec. _____. NEW SECTION. The provisions of sections two (2)
19 and three (3) of this Act shall not apply to the certifying
20 of an individual's operating record pursuant to section three
21 hundred twenty-one A point three (321A.3) of the Code.
22 4. By renumbering the amendment.

Received from the Senate
June 21, 1973

House concurred 6/22/73

- 1 Amend Senate File 115, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 3A, by striking lines 22 through 29 and
4 inserting in lieu thereof the following:
5 11. "Intelligence data" means information
6 collected where there are reasonable grounds to suspect
7 involvement or participation in criminal activity by
8 any person.
9 12. "Surveillance data" means information on
10 individuals, pertaining to participation in organ-
11 izations, groups, meetings or assemblies, where there
12 are no reasonable grounds to suspect involvement or
13 participation in criminal activity by any person.
14 2. Page 7A, by inserting after line 19 the
15 following:
16 "Sec. 9. NEW SECTION. No surveillance data shall
17 be placed in files or manual or automated data
18 storage systems by the department or bureau or by any
19 peace officer or criminal justice agency. Violation
20 of the provisions of this section shall be a public
21 offense punishable under section seven (7) of this
22 Act."
23 3. By renumbering the remaining sections.

H-292 Offered and adopted
April 12, 1973

By HILL of Polk
SMALL of Johnson
STANLEY of Muscatine
JESSE of Polk
BITTLE of Polk
OAKLEY of Clinton
KNOKE of Pottawattamie
RAPP of Black Hawk

H-293

1 Amend the Stanley et al amendment H-262 to Senate
2 File 115 as follows:

3 1. Line 81, by inserting the following after the
4 period:

5 "This subsection shall not be construed to
6 authorize any act prohibited by section eight (8) or
7 by any other provision of this Act."

*Withdrawn
#113*

8 2. By striking lines 84 through 88 and inserting
9 in lieu thereof the following:

10 "23. Page 9C, by inserting the following at the
11 end of line 77: 'However, the council and its
12 members, in such capacity, shall not have access to
13 criminal history data or intelligence data unless it
14 is data from which individual identities are not
15 ascertainable or data which has been masked so that
16 individual identities are not ascertainable. However,
17 the council may examine data from which the identity
18 of an individual is ascertainable if requested in
19 writing by that individual or his attorney with
20 written authorization and fingerprint identification.'"

adopted

H-293 Filed
April 12, 1973

By STANLEY of Muscatine
OAKLEY of Clinton

H-297

1 Amend Senate File 115 as passed by the Senate
2 and reprinted as follows:

H-297A *— withdrawn #113*

3 1. Page 4, line 10, by inserting after the word
4 "receiving" the words "copies of".

H-297B

5 2. Page 4, line 11, by striking the words "and
6 purpose".

H-297 Filed
April 12, 1973
Amendment H-297B lost
Amendment H-297A deferred and pending

By STANLEY of Muscatine
OAKLEY of Clinton

H-300

1 Amend Senate File 115 as passed by the Senate
2 and reprinted as follows:

3 1. Page 7A, by striking from lines 11 and 12
4 the words "prior to" and inserting in lieu thereof
5 the words "for the purpose of".

6 2. Page 7A, by inserting after the period in
7 line 15 the following:

8 "If the defendant disputes the accuracy of the
9 intelligence data, he shall do so by filing an
10 affidavit stating the substance of the disputed data
11 and wherein it is inaccurate."

H-300 Filed and adopted
April 12, 1973

By OAKLEY of Clinton

H-294

1 Amend Senate File 115, as passed by the Senate
2 and reprinted as follows:
3 Page 9A, line 6, by inserting after the word
4 "arrest" the words "or traffic violation".

H-294 Filed By CARR of Dubuque
April 12, 1973 *Withdrawn 4/13*

H-296

1 Amend the Stanley et. al. amendment H262 to Senate
2 File 115 by striking lines 37 through 41 and inserting
3 in lieu thereof the following:
4 "Any reasonable grounds for belief that a public
5 employee has violated any provision of this Act shall
6 be grounds for immediate removal from all access to
7 criminal history data and intelligence data."

H-296 Filed and adopted By SMALL of Johnson
April 12, 1973 STANLEY of Muscatine

Amend Senate File 115 as passed by the Senate
reprinted, page 9A, Line 16, by striking the
word and inserting the words "when said person has
been previously convicted of an indictable
misdemeanor or felony."

Amended and lost By OAKLEY of Clinton
April 12, 1973

H-302

1 Amend Senate File 115, page 9A, lines 15 and 16,
2 by striking the words "or the charges dismissed".

H-302 Filed and lost By HARGRAVE of Johnson
April 13, 1973 KREAMER of Polk

H-272

1 Amend the Stanley et al amendment (H-262) to Senate
2 File 115, as follows:
3 1. Line 8, after the word "to" insert the follow-
4 ing:
5 "evidence which it appears will be admissible in a
6 court of law of the commission of an act which is a
7 crime as provided by the Code of Iowa which results
8 from information obtained by".
9 2. Line 9, by striking the word "information".

H-272 Filed - *Withdrawn 4/2* By HARGRAVE of Johnson
April 5, 1973

H-290

1 Amend Senate File 115, as passed by the
2 Senate and reprinted as follows:
3 Page 5A, by striking line 4 and inserting in
4 lieu thereof the following:
5 "not authorized by law to be kept,".

H-290 Filed - *Adopted 4/2* By HILL of Polk
April 11, 1973

1 Amend Senate File 115 as passed by the Senate and
2 reprinted as follows:

3 1. Page 3A, by striking lines 22 through 29 and
4 inserting in lieu thereof the following:

5 "11. "Intelligence data" means information
6 concerning the alleged or suspected involvement or
7 participation of any person or organization in crim-
8 inal activities, including but not limited to surveil-
9 lance information on individuals, organizations,
10 groups, meetings, or assemblies. This Act shall not
11 be construed to authorize any surveillance which would
12 otherwise be unlawful."

13 2. Page 3A, line 33, by inserting a comma before
14 the word "or".

15 3. Page 3B, line 38, by inserting after the word
16 "and" the word "may".

17 4. Page 4, line 17, by inserting after the word
18 "bureau" the words "or from any other source".

19 5. Page 5A, by inserting at the end of line 16:
20 "The record and evidence in such cases shall be closed
21 to all but the court and its officers, and access
22 thereto shall be refused unless otherwise ordered by
23 the court. The clerk shall maintain a separate docket
24 for such actions. No person shall permit a copy of
25 any of the testimony or pleadings or the substance
26 thereof to be made available to any person other than
27 a party to the action or his attorney. Violation of
28 the provisions of this section shall be a public
29 offense, punishable under section seven (7) of this
30 Act."

31 6. Page 5A, line 20, by striking the comma and
32 inserting in lieu thereof the word "and".

33 7. Page 5A, lines 29 and 32, by inserting after
34 the word "history" the word "data".

35 8. Pages 6A and 6B, by striking lines 33 through
36 36 and inserting in lieu thereof the following:

37 "4. An allegation, apparently supported by
38 substantial evidence, that a public employee has
39 violated any provision of this Act shall be grounds
40 for immediate removal from all access to criminal
41 history data or intelligence data."

42 9. Page 7A, by striking all of line 4 after the
43 period and all of lines 5 through 10 and inserting in
44 lieu thereof the following:

45 "Intelligence data in the files of the department
46 may be disseminated only to a peace officer, criminal
47 justice agency, or state or federal regulatory agency,
48 and only if the department is satisfied that the need
49 to know and the intended use are reasonable."

50 10. Page 7A, by striking lines 11 through 19.

51 11. Page 7A, line 22, by inserting after the
52 word "history" the word "data".

with
3/12

Amended by S.C.C.

related
3/12

last
revised

53 12. Page 7A, line 27, by inserting after the
54 word "history" the word "data". } adopted
55 13. Page 8A, lines 33 and 34, by striking the
56 words ", or if there be no clerk, the judge of the
57 court". } 4/12
58 14. Page 9A, line 6, by inserting after the word
59 "arrest" the words "reported after the effective date
60 of this Act and". } adopted Motion
61 15. Page 9A, line 11, by striking the word "does" } to remove from
62 and inserting in lieu thereof the word "shall". } 4/12
63 16. Page 9A, by striking lines 15 and 16. }
64 17. Page 9A, line 19, by striking the word
65 "official". }
66 18. Page 9A, by striking lines 21 through 23 and
67 inserting in lieu thereof the following: }
68 "Criminal history data and intelligence data in
69 the possession of the department or bureau, or dis- }
70 seminated by the department or bureau, are not public
71 records". } 2/24/73
72 19. Page 9A, by striking lines 26 through 31. }
73 20. Page 9B, line 44, by striking the words "or
74 with government". } 2/24/73
75 21. Page 9B, by striking lines 56 through 59 and
76 inserting in lieu thereof the following: }
77 "1. Shall periodically monitor the operation of
78 automated governmental information systems which deal
79 with the collection, storage, use and dissemination
80 of criminal history data, intelligence data or con-
81 fidential records." }
82 22. Page 9C, by inserting in line 73 after the
83 word "to" the word "automated". }
84 23. Page 9C, by inserting the following at the
85 end of line 77: "However, the council and its members,
86 in such capacity, shall not have access to criminal
87 history data or intelligence data, except statistical
88 reports which do not identify individuals." }
89 24. Page 9C, by inserting in line 83 after the
90 word "of" the word "automated". } 5

H-262 Filed
April 4, 1973

By STANLEY of Muscatine
OAKLEY of Clinton
ANDERSON of Ringgold
WEST of Marshall
KREAMER of Polk
EDELEN of Emmet
WOODS of Polk
PONCY of Wapello
HENNESSEY of Delaware
STROTHMAN of Henry
LOGUE of Iowa

H-269

1 Amend Senate File 115, as passed by the Senate
2 and reprinted, Page 9A, line 11, by striking the
3 words "in a computer data storage system".

H-269 Filed *adopted*
April 5, 1973 *4/13*

By SMALL of Johnson

H-268

1 Amend Senate File 115 as amended and reprinted
2 by the Senate, page 5A, by striking lines 23, 24, and
3 25, and inserting in lieu thereof the words "agencies
4 who received criminal history data referring to him."

H-268 Filed *Withdrawn 4/12*
April 5, 1973

By PATCHETT of Johnson
HUSAK of Tama

H-267

1 Amend the Stanley, et al amendment H-262, to
2 Senate File 115 by striking from line 78 the word
3 "automated".

H-267 Filed *Withdrawn*
April 5, 1973 *4/13*

By SMALL of Johnson
HILL of Polk

H-266

1 Amend the Stanley, et al amendment H-262, to
2 Senate File 115 by striking lines 20 through 30 and
3 inserting in lieu thereof the following:
4 "Upon the request of the appellant, the record and
5 evidence in such cases shall be closed to all but the
6 court and its officers, and access thereto shall be
7 refused unless otherwise ordered by the court. The
8 clerk shall maintain a separate docket for such
9 actions. No person, other than the appellant shall
10 permit a copy of any of the testimony or pleadings
11 or the substance thereof to be made available to any
12 person other than a party to the action or his
13 attorney. Violation of the provisions of this
14 section shall be a public offense, punishable under
15 section seven (7) of this Act."

H-266 Filed *Adopted 4/12*
April 5, 1973

By SMALL of Johnson
OAKLEY of Clinton

1 Amend Senate File 115 as passed by the Senate
2 and reprinted as follows:
3 1. Page 3A, by striking lines 22 through 29
4 and inserting in lieu thereof the following:
5 "11. "Intelligence data" means information
6 concerning the alleged involvement and participation
7 in criminal activities by any person.
8 "12. "Surveillance data" means information on
9 individuals pertaining to participation in
10 organizations, groups, meetings or assemblies where
11 no criminal act has been committed or is imminently
12 threatened by such organization, group, meeting or
13 assembly."
14 2. Page 3A, line 33, by inserting a comma
15 before the word "or".
16 3. Page 3B, line 38, by inserting after the
17 word "and" the word "may".
18 4. Page 4, line 17, by inserting after the
19 word "bureau" the words "or from any other source".
20 5. Page 5A, line 20, by inserting after the
21 comma the word "and".
22 6. Page 5A, line 29, by inserting after the
23 word "history" the word "data".
24 7. Page 5A, line 32, by inserting after the
25 word "history" the word "data".
26 8. Page 6A, line 35, by inserting after the word
27 "history" the words "data or intelligence".
28 9. Page 7A, line 10, by inserting after the word
29 "intelligence" the word "data".
30 10. Page 7A, by inserting after line 19 the
31 following:
32 "Sec. 9. NEW SECTION. SURVEILLANCE DATA.
33 No files or manual or automated data storage system
34 shall be maintained of surveillance data by the
35 department or bureau or by any peace officer,
36 criminal justice agency, or state regulatory
37 agency. Violation of the provisions of this
38 section shall be a public offense punishable
39 under section seven (7) of this Act."
40 11. Page 9A, by striking lines 26 through 31.
41 12. Page 9B, by striking lines 58 and 59
42 and inserting in lieu thereof the following:
43 "tion, storage, use and dissemination of
44 criminal history data, intelligence data and
45 confidential records."
46 13. By renumbering the remaining sections.
47 14. Page 1, by striking lines 1 and 2 and
48 inserting in lieu thereof the following:
49 "An Act relating to disclosure of criminal
50 history, intelligence and surveillance data
51 and providing penalties."

H-263 Filed
April 4, 1973

By HILL of Polk
SMALL of Johnson
RAPP of Black Hawk
CRAWFORD of Story

H-265

- 1 Amend the Stanley et al. amendment H-262
- 2 to Senate File 115, as follows:
- 3 1. Line 10, by striking the period after the word
- 4 "assemblies" and inserting in lieu thereof the
- 5 following words, "if a criminal act has been
- 6 committed or is imminently threatened by such
- 7 organizations, groups, meetings, or assemblies."
- 8 2. Line 42, by inserting the following new
- 9 amendments thereafter:
- 10 9. Page 7A, by inserting after the word "agency"
- 11 in line 3, "or surveillance information".
- 12 10. Page 7A, by inserting after the word
- 13 "system" in line 4, the following:
- 14 "Surveillance information which is not
- 15 intelligence data shall not be contained
- 16 in the file of the department of public
- 17 safety or any criminal justice agency".
- 18 3. By renumbering the sections accordingly.

Law 4/5

W. A. 4/12

H-265 Filed
April 4, 1973

By RAPP of Black Hawk
NIELSEN of Polk

H-264

- 1 Amend Senate File 115, as amended, passed, and
- 2 reprinted by the senate, as follows:
- 3 1. Page 2A, by striking line 14.
- 4 2. Page 3A, by striking lines 2 through 8
- 5 inclusive, and inserting in lieu thereof the following:
- 6 8. "Public offense" as used in subsections four
- 7 (4), five (5), and six (6) of this section does not
- 8 include nonindictable offenses under either chapter
- 9 three hundred twenty-one (321) of the Code or local
- 10 traffic ordinances.
- 11 3. Page 9A, by striking lines 12 through 14.
- 12 4. Page 9A, line 15, by inserting the words "or
- 13 disposition" after the word "Arrest".

264-A

264.B

reprinted 4/13

H-264 Filed - *Adopted 4-5*
April 4, 1973 *Motion to reconsider 4-6* By SCHROEDER of Pottawattamie
Motion to reconsider each 4/13 264.A