

Reprinted 3/17/81

HOUSE FILE 731

MAR 5 1981

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Place On Calendar

(Formerly Study Bill 49)

Passed House, Date 3/12/81 (p. 773) Passed Senate, Date 4/21/81 (P. 1326)  
Vote: Ayes 90 Nays 0 Vote: Ayes 46 Nays 0  
Approved 5/1/81

## A BILL FOR

1 An Act relating to criminal investigative data, criminal  
2 history data, intelligence data, and the confidentiality  
3 of peace officers' investigative reports.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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731

HOUSE FILE 731

H-3232

1 Amend House File 731 as follows:  
2 1. Page 1, by striking lines 5 through 9 and  
3 inserting in lieu thereof the following: "However,  
4 the date, time, specific location, and immediate  
5 facts and circumstances surrounding a crime or in-  
6 cident shall not be kept confidential under this  
7 section, except in those unusual circumstances where  
8 disclosure would plainly and seriously jeopardize an  
9 investigation or pose a clear and present danger to  
10 the safety of an individual."

H-3232 FILED  
MARCH 10, 1981

*Adopted 3/10 (p. 771)*

BY SHIMANEK of Jones  
TRUCANO of Polk  
RAPP of Black Hawk

1 Section 1. Section 68A.7, subsection 5, Code 1981, is  
2 amended to read as follows:

3 5. ~~Peace officers~~ officers' investigative reports, except  
4 where disclosure is authorized elsewhere in this Code.

5 However, those portions of peace officers' initial reports  
6 of a crime or incident, including the date, time, specific  
7 location and immediate facts and circumstances surrounding  
8 the occurrence shall not be kept confidential under this  
9 section.

10 Sec. 2. Section 692.1, Code 1981, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. "Criminal investigative data" means  
13 information collected in the course of an investigation where  
14 there are reasonable grounds to suspect that specific criminal  
15 acts have been committed by a person.

16 Sec. 3. Section 692.1, subsection 11, Code 1981, is amended  
17 to read as follows:

18 11. ~~"Intelligence data" means information collected where~~  
19 ~~there are reasonable grounds to suspect involvement or~~  
20 ~~participation in~~ on identifiable individuals compiled in an  
21 effort to anticipate, prevent, or monitor possible criminal  
22 activity by any person.

23 Sec. 4. Section 692.3, Code 1981, is amended to read as  
24 follows:

25 692.3 REDISSEMINATION. A peace officer, criminal justice  
26 agency, or state or federal regulatory agency shall not  
27 disseminate criminal history data, ~~within or without~~ outside  
28 the agency, received from the department or bureau, unless  
29 all of the following apply:

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

32 2. The agency maintains a list of the persons receiving  
33 the data and the date and purpose of the dissemination, ~~and.~~

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

1 A peace officer, criminal justice agency, or state or  
2 federal regulatory agency shall not redisseminate intelligence  
3 data, ~~within or without~~ outside the agency, received from  
4 the department or bureau or from any other source, except  
5 as provided in subsections 1 and 2.

6 Sec. 5. Section 692.10, Code 1981, is amended to read  
7 as follows:

8 692.10 RULES. The department shall adopt rules designed  
9 to assure the security and confidentiality of all systems  
10 established for the exchange of criminal history data and  
11 intelligence data systems between criminal justice agencies.

12 Sec. 6. This Act, being deemed of immediate importance,  
13 takes effect from and after the publication in the Des Moines  
14 Daily Record, a newspaper published in Des Moines, Iowa, and  
15 in The DeWitt Observer, a newspaper published in DeWitt, Iowa.

16 EXPLANATION

17 This bill makes several amendments to chapter 692 concerning  
18 criminal history and intelligence data. The bill adds to  
19 the chapter's definition section the term "criminal  
20 investigative data" and amends the definition of "intelligence  
21 data".

22 The bill amends section 692.3 to provide that the section's  
23 conditions for redissemination of criminal history data by  
24 peace officers and agencies apply only to the dissemination  
25 of the data outside the agency not within the agency as  
26 presently required by the section.

27 The bill also amends chapter 68A to provide that certain  
28 portions of a peace officer's initial report of a crime or  
29 incident are not confidential.

30 The bill would take effect upon publication.

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Judiciary  
Kudart, Chairperson  
Dreczen  
Rush

*3/18/81*  
*To Pass 4/8/81 (p. 1178)*

HOUSE FILE 731

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 3/12/81 (p. 772) Passed Senate, Date 4-21-81 (p. 1326)

Vote: Ayes 90 Nays 0 Vote: Ayes 46 Nays 0

Approved May 1, 1981

### A BILL FOR

1 An Act relating to criminal investigative data, criminal  
2 history data, intelligence data, and the confidentiality  
3 of peace officers' investigative reports.

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

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\_\_\_\_\_ House Amendments

1 Section 1. Section 68A.7, subsection 5, Code 1981, is  
2 amended to read as follows:

3 5. Peace officers officers' investigative reports, except  
4 where disclosure is authorized elsewhere in this Code.  
5 However, the date, time, specific location, and immediate  
6 facts and circumstances surrounding a crime or incident shall  
7 not be kept confidential under this section, except in those  
8 unusual circumstances where disclosure would plainly and  
9 seriously jeopardize an investigation or pose a clear and  
10 present danger to the safety of an individual.

11 Sec. 2. Section 692.1, Code 1981, is amended by adding  
12 the following new subsection:

13 NEW SUBSECTION. "Criminal investigative data" means  
14 information collected in the course of an investigation where  
15 there are reasonable grounds to suspect that specific criminal  
16 acts have been committed by a person.

17 Sec. 3. Section 692.1, subsection 11, Code 1981, is amended  
18 to read as follows:

19 11. "Intelligence data" means information ~~collected where~~  
20 ~~there are reasonable grounds to suspect involvement or~~  
21 ~~participation in~~ on identifiable individuals compiled in an  
22 effort to anticipate, prevent, or monitor possible criminal  
23 activity by any person.

24 Sec. 4. Section 692.3, Code 1981, is amended to read as  
25 follows:

26 692.3 REDISSEMINATION. A peace officer, criminal justice  
27 agency, or state or federal regulatory agency shall not  
28 disseminate criminal history data, ~~within or without~~ outside  
29 the agency, received from the department or bureau, unless  
30 all of the following apply:

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

33 2. The agency maintains a list of the persons receiving  
34 the data and the date and purpose of the dissemination, ~~and.~~

35 3. The request for data is based upon name, fingerprints,

1 or other individual identification characteristics.

2 A peace officer, criminal justice agency, or state or  
3 federal regulatory agency shall not redisseminate intelligence  
4 data, ~~within or without~~ outside the agency, received from  
5 the department or bureau or from any other source, except  
6 as provided in subsections 1 and 2.

7 Sec. 5. Section 692.10, Code 1981, is amended to read  
8 as follows:

9 692.10 RULES. The department shall adopt rules designed  
10 to assure the security and confidentiality of all systems  
11 established for the exchange of criminal history data and  
12 intelligence data systems between criminal justice agencies.

13 Sec. 6. This Act, being deemed of immediate importance,  
14 takes effect from and after the publication in the Des Moines  
15 Daily Record, a newspaper published in Des Moines, Iowa, and  
16 in The DeWitt Observer, a newspaper published in DeWitt, Iowa.

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HOUSE FILE 731

AN ACT

RELATING TO CRIMINAL INVESTIGATIVE DATA, CRIMINAL HISTORY DATA, INTELLIGENCE DATA, AND THE CONFIDENTIALITY OF PEACE OFFICERS' INVESTIGATIVE REPORTS.

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

Section 1. Section 68A.7, subsection 5, Code 1981, is amended to read as follows:

5. Peace ~~officers~~ officers' investigative reports, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.

Sec. 2. Section 692.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Criminal investigative data" means information collected in the course of an investigation where there are reasonable grounds to suspect that specific criminal acts have been committed by a person.

Sec. 3. Section 692.1, subsection 11, Code 1981, is amended to read as follows:

11. "Intelligence data" means information ~~collected where there are reasonable grounds to suspect involvement or participation in~~ on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity by any person.

Sec. 4. Section 692.3, Code 1981, is amended to read as follows:

692.3 REDISSEMINATION. A peace officer, criminal justice agency, or state or federal regulatory agency shall not redisseminate criminal history data, ~~within or without~~ outside the agency, received from the department or bureau, unless all of the following apply:

1. The data is for official purposes in connection with prescribed duties of a criminal justice agency, ~~and.~~
2. The agency maintains a list of the persons receiving the data and the date and purpose of the dissemination, ~~and.~~
3. The request for data is based upon name, fingerprints, or other individual identification characteristics.

A peace officer, criminal justice agency, or state or federal regulatory agency shall not redisseminate intelligence data, ~~within or without~~ outside the agency, received from the department or bureau or from any other source, except as provided in subsections 1 and 2.

Sec. 5. Section 692.10, Code 1981, is amended to read as follows:

692.10 RULES. The department shall adopt rules designed to assure the security and confidentiality of all systems established for the exchange of criminal history data and intelligence data systems between criminal justice agencies.

Sec. 6. This Act, being deemed of immediate importance, takes effect from and after the publication in the Des Moines Daily Record, a newspaper published in Des Moines, Iowa, and in The DeWitt Observer, a newspaper published in DeWitt, Iowa.

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DELWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 731, Sixty-ninth General Assembly.

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PAT H. HARPER  
Chief Clerk of the House

Approved 5/1, 1981

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ROBERT D. RAY  
Governor