

Sen. J. ... 3/27

Senate File 2268

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Smalley.

Re. Gov. 5/31 (p. 1146)

FILED MAR 12 1982

SENATE FILE 2268

BY COMMITTEE ON JUDICIARY

Approved (p. 720)

Passed Senate, Date 5-18-82 (p. 800) Passed House, Date 4-7-82 (p. 1309)

Vote: Ayes 45 Nays Vote: Ayes 99 Nays 0

Approved April 23, 1982

A BILL FOR

1 An Act authorizing the department of public safety to
 2 disseminate criminal history data to the department
 3 of social services for the purposes of licensing and
 4 hiring of personnel for child foster care facilities
 5 and child care centers, and providing penalties.

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

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S. 2268

1 Section 1. Section 692.2, Code 1981, is amended by striking
2 the section and inserting in lieu thereof the following:

3 692.2 DISSEMINATION OF CRIMINAL HISTORY DATA.

4 1. The department and bureau may provide copies or
5 communicate information from criminal history data only to
6 the following:

7 a. Criminal justice agencies.

8 b. Other public agencies as authorized by the confidential
9 records council.

10 c. The department of social services for the purposes
11 of section 237.8, subsection 2 and section 237A.5.

12 2. The bureau shall maintain a list showing the individual
13 or agency to whom the data is disseminated and the date of
14 dissemination.

15 3. Persons authorized to receive information under sub-
16 section 1 shall request and may receive criminal history data
17 only when both of the following apply:

18 a. The data is for official purposes in connection with
19 prescribed duties or required pursuant to section 237.8,
20 subsection 2 or section 237A.5.

21 b. The request for data is based upon name, fingerprints,
22 or other individual identifying characteristics.

23 4. The provisions of this section and section 692.3 which
24 relate to the requiring of an individually identified request
25 prior to the dissemination or redissemination of criminal
26 history data do not apply to the furnishing of criminal history
27 data to the federal bureau of investigation or to the
28 dissemination or redissemination of information that an arrest
29 warrant has been or will be issued, and other relevant
30 information including but not limited to, the offense and
31 the date and place of alleged commission, individually
32 identifying characteristics of the person to be arrested,
33 and the court or jurisdiction issuing the warrant.

34 Sec. 2. Section 692.3, Code 1981, as amended by Acts of
35 the Sixty-ninth General Assembly, 1981 Session, chapter 38,

1 section 4, is amended to read as follows:

2 692.3 REDISSEMINATION.

3 1. A peace officer, criminal justice agency, or state
4 or federal regulatory agency shall not disseminate criminal
5 history data outside the agency, received from the department
6 or bureau, unless all of the following apply:

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

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

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

14 2. Notwithstanding subsection 1, paragraph a, the
15 department of social services may disseminate criminal
16 history data obtained pursuant to section 692.2, subsection
17 1, paragraph c, in section 1 of this Act to persons licensed
18 under chapters 237 and 237A for the purposes of section 237.8,
19 subsection 2 and section 237A.5. Licensees under either
20 chapter 237 or chapter 237A who receive information pursuant
21 to this subsection shall not use the information other than
22 for purposes of section 237.8, subsection 2 or section 237A.5.
23 A licensee who uses the information for other purposes or
24 who communicates the information to another except for the
25 purposes of section 237.8, subsection 2 or section 237A.5
26 is guilty of an aggravated misdemeanor.

27 3. A peace officer, criminal justice agency, or state
28 or federal regulatory agency shall not disseminate
29 intelligence data outside the agency, received from the
30 department or bureau or from any other source, except as
31 provided in ~~subsections~~ subsection 1 and 2.

32 EXPLANATION

33 This bill provides that the department of public safety
34 shall give the department of social services criminal history
35 data for the purposes of section 237.8, subsection 2 and

1 section 237A.5. The bill also provides that the department
2 of social services may redisseminate the information to
3 licensees under chapters 237 and 237A solely for the purposes
4 of section 237.8, subsection 2 or section 237A.5. Licensees
5 who use the information for other purposes or who communicate
6 it to another for other purposes are guilty of an aggravated
7 misdemeanor. Section 237.8, subsection 2 prohibits individuals
8 who have been convicted of mistreatment or exploitation of
9 a child from being either licensed to provide foster care
10 or being employed by a licensee. Section 237A.5 prohibits
11 individuals who have been convicted of crimes involving
12 lascivious acts with a child, child neglect, or child abuse
13 from having direct responsibility for child care in a licensed
14 center or registered home. This bill takes effect July 1
15 following its enactment.

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SENATE FILE 2268

AN ACT

AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY TO DISSEMINATE CRIMINAL HISTORY DATA TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSES OF LICENSING AND HIRING OF PERSONNEL FOR CHILD FOSTER CARE FACILITIES AND CHILD CARE CENTERS, AND PROVIDING PENALTIES.

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

Section 1. Section 692.2, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

692.2 DISSEMINATION OF CRIMINAL HISTORY DATA.

1. The department and bureau may provide copies or communicate information from criminal history data only to the following:
 - a. Criminal justice agencies.
 - b. Other public agencies as authorized by the confidential records council.
 - c. The department of social services for the purposes of section 237.8, subsection 2 and section 237A.5.
2. The bureau shall maintain a list showing the individual or agency to whom the data is disseminated and the date of dissemination.
3. Persons authorized to receive information under subsection 1 shall request and may receive criminal history data only when both of the following apply:
 - a. The data is for official purposes in connection with prescribed duties or required pursuant to section 237.8, subsection 2 or section 237A.5.
 - b. The request for data is based upon name, fingerprints, or other individual identifying characteristics.
4. The provisions of this section and section 692.3 which relate to the requiring of an individually identified request

prior to the dissemination or redissemination of criminal history data do not apply to the furnishing of criminal history data to the federal bureau of investigation or to the dissemination or redissemination of information that an arrest warrant has been or will be issued, and other relevant information including but not limited to, the offense and the date and place of alleged commission, individually identifying characteristics of the person to be arrested, and the court or jurisdiction issuing the warrant.

Sec. 2. Section 692.3, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 38, section 4, is amended to read as follows:

692.3 REDISSEMINATION.

1. A peace officer, criminal justice agency, or state or federal regulatory agency shall not redisseminate criminal history data outside the agency, received from the department or bureau, unless all of the following apply:
 - 1+ a. The data is for official purposes in connection with prescribed duties of a criminal justice agency.
 - 2+ b. The agency maintains a list of the persons receiving the data and the date and purpose of the dissemination.
 - 3+ c. The request for data is based upon name, fingerprints, or other individual identification characteristics.

2. Notwithstanding subsection 1, paragraph a, the department of social services may redisseminate criminal history data obtained pursuant to section 692.2, subsection 1, paragraph c, in section 1 of this Act to persons licensed under chapters 237 and 237A for the purposes of section 237.8, subsection 2 and section 237A.5. Licensees under either chapter 237 or chapter 237A who receive information pursuant to this subsection shall not use the information other than for purposes of section 237.8, subsection 2 or section 237A.5. A licensee who uses the information for other purposes or who communicates the information to another except for the

purposes of section 237.8, subsection 2 or section 237A.5 is guilty of an aggravated misdemeanor.

3. A peace officer, criminal justice agency, or state or federal regulatory agency shall not disseminate intelligence data outside the agency, received from the department or bureau or from any other source, except as provided in ~~subsections~~ subsection 1 and-2.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2268, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 23, 1982

ROBERT D. RAY
Governor