

Judiciary and Law Enforcement: Brammer, Chair: Corey and Miller.

Approved Feb 23 83 (p. 122) 11/2/83

FILED MAR 3 1983

SENATE FILE **349**

BY COMMITTEE ON JUDICIARY

Approved 3/4/83 (p. 640)

(FORMERLY SSB 103)

Passed Senate, Date 3-14-83 (p. 729) Passed House, Date 4-12-83 (p. 1241)

Vote: Ayes 43 Nays 0 Vote: Ayes 89 Nays 7

Approved May 11, 1983 (p. 1678)

Repassed Senate as amended by House

4-19-83 (p. 1311)

45-0

A BILL FOR

1 An Act relating to the definition of "criminal justice agency"

2 and the dissemination of criminal history data.

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

HOUSE AMENDMENT TO SENATE FILE 349

S-3569

1 Amend Senate File 349 as passed by the Senate,
2 as follows:

3 1. Page 1 line 4 by inserting after the word
4 "entity" the word "wholly".

S-3569 FILED
APRIL 18, 1983

RECEIVED FROM THE HOUSE

Senate concurred 4/19/83 (p. 1311)

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S.F. 349

1 Section 1. Section 692.1, subsection 10, Code 1983, is
2 amended to read as follows:

3 10. "Criminal justice agency" means ~~any~~ an agency or
4 department of any level of government or an entity owned,
5 financed, or controlled by one or more such agencies or
6 departments which performs as its principal function the
7 apprehension, prosecution, adjudication, incarceration, or
8 rehabilitation of criminal offenders.

9 Sec. 2. Section 692.2, subsection 1, Code 1983, is amended
10 to read as follows:

11 1. The Except in cases in which members of the department
12 are participating in an investigation or arrest, the department
13 and bureau may provide copies or communicate information from
14 criminal history data only to the following:

- 15 a. Criminal justice agencies.
- 16 b. Other public agencies as authorized by the confidential
17 records council.
- 18 c. The department of social services for the purposes
19 of section 237.8, subsection 2 and section 237A.5.

20 Sec. 3. Section 692.2, Code 1983, is amended by adding
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. In cases in which members of
23 the department are participating in the investigation or
24 arrest, or where officers of other criminal justice agencies
25 participating in the investigation or arrest consent, the
26 department may disseminate criminal history data and
27 intelligence data when the dissemination complies with section
28 692.3.

29 EXPLANATION

30 The first section of this bill will permit the department
31 of public safety to participate in the programs of interstate
32 law enforcement agencies, such as mid-states organized crime
33 information center, which are not agencies or departments
34 of government but which are wholly owned, funded, and
35 controlled by criminal justice agencies.

1 This bill also provides that the department of public
2 safety may disseminate criminal history and intelligence data
3 in cases in which members of the department or officers of
4 other criminal justice agencies who consent are participating
5 in an investigation or arrest.

6 This bill takes effect July 1 following its enactment.

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SENATE FILE 349

H-3358

1 Amend Senate File 349 as passed by the Senate as
 2 follows: ..
 3 1. Page 1, line 19, by inserting after the word
 4 "of" the words "section 232.142, subsection 5,".
 5 2. Page 1, by inserting after line 19 the following
 6 new section:
 7 "Sec. 3. Section 692.2, subsection 3, paragraph
 8 a, Code 1983, is amended to read as follows:
 9 a. The data is for official purposes in connection
 10 with prescribed duties or required pursuant to section
 11 232.142, subsection 5, section 237.8, subsection 2
 12 or section 237A.5."
 13 3. Page 1, by inserting after line 28 the following
 14 new sections:
 15 "Sec. 5. Section 692.3, subsection 2, Code 1983,
 16 is amended to read as follows:
 17 2. Notwithstanding subsection 1, paragraph "a",
 18 the department of social services may redisseminate
 19 criminal history data obtained pursuant to section
 20 692.2, subsection 1, paragraph "c", to persons licensed
 21 or approved under chapters 237 and 237A for the
 22 purposes of section 232.142, subsection 5, section
 23 237.8, subsection 2 and section 237A.5. Licensees
 24 under either chapter 237 or chapter 237A and facilities
 25 approved under chapter 232 who receive information
 26 pursuant to this subsection shall not use the
 27 information other than for purposes of section 232.142,
 28 subsection 5, section 237.8, subsection 2 or section
 29 237A.5. A licensee or approved facility who uses
 30 the information for other purposes or who communicates
 31 the information to another except for the purposes
 32 of section 232.142, subsection 5, section 237.8,
 33 subsection 2 or section 237A.5 is guilty of an
 34 aggravated misdemeanor.
 35 Sec. 6. This Act, being deemed of immediate
 36 importance, takes effect from and after its publication
 37 in the Eldora Herald Ledger, a newspaper published
 38 in Eldora, Iowa, and in The Wapello Republican, a
 39 newspaper published in Wapello, Iowa."
 40 4. By renumbering to conform to this amendment.

H-3358 FILED MARCH 23, 1983 BY COREY of Louisa
H/B 4/12/83 (p. 1240)

SENATE FILE 349

H-3521

1 Amend Senate File 349 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "entity" the word "wholly".

H-3518 FILED APRIL 5, 1983 BY ROSENBERG of Story
Placed out of order 4/12 (p. 1240)

SENATE FILE 349

H-3568

- 1 Amend Senate File 349 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "entity" the word "wholly".

H-3568 FILED APRIL 7, 1983

Adopted 4/12/83 (p. 1240)

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

arrest, or where officers of other criminal justice agencies participating in the investigation or arrest consent, the department may disseminate criminal history data and intelligence data when the dissemination complies with section 692.3.

SENATE FILE 349

AN ACT
RELATING TO THE DEFINITION OF "CRIMINAL JUSTICE AGENCY" AND
THE DISSEMINATION OF CRIMINAL HISTORY DATA.

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

Section 1. Section 692.1, subsection 10, Code 1983, is amended to read as follows:

10. "Criminal justice agency" means ~~any~~ an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders.

Sec. 2. Section 692.2, subsection 1, Code 1983, is amended to read as follows:

1. The Except in cases in which members of the department are participating in an investigation or arrest, 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.

Sec. 3. Section 692.2, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In cases in which members of the department are participating in the investigation or

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 349, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 11, 1983

TERRY E. BRANSTAD
Governor