

Judiciary D's Pass 1/1/84 (p. 62)
Hear " 1/18

Reprinted 1/23/84

MAR 16 1983

SENATE FILE 442

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 223)

Approved 3/16 (p. 724)

Passed Senate, Date 1-16-84 (p. 114) Passed House, Date 2-21-84
Vote: Ayes 47 Nays 1 Vote: Ayes 69 Nays 17
Approved _____

A BILL FOR

- 1 An Act relating to access to library records by criminal
- 2 justice agencies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 442

S-3337

- 1 Amend Senate File 442 as follows:
- 2 1. By striking all after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 Section 1. Chapter 68A, Code 1983, is amended
- 5 by adding the following new section:
- 6 NEW SECTION. COURT ORDER TO EXAMINE LIBRARY
- 7 RECORDS. Before approving any order to examine library
- 8 records required to be kept confidential under section
- 9 68A.7, subsection 13, a court must find that the
- 10 application for the order satisfies the requirements
- 11 for a search warrant provided in section 808.3."

S-3337 FILED
MARCH 24, 1983
Withdrawn 1/16/84 (p. 115)

BY C. JOSEPH COLEMAN

SENATE FILE 442

S-3425

- 1 Amend Senate File 442 as follows:
- 2 1. Page 1, line 9 by inserting after the words
- 3 "upon a" the word "judicial".

S-3425 FILED
APRIL 5, 1983
Adopted 1/16/84 (p. 113)

BY C. JOSEPH COLEMAN

1 Section 1. Section 68A.7, subsection 13, Code 1983, is
2 amended to read as follows:

3 13. The records of a library which, by themselves or when
4 examined with other public records, would reveal the identity
5 of the library patron checking out or requesting an item from
6 the library. The records shall be released to a criminal
7 justice agency only pursuant to an investigation of a
8 particular person or organization suspected of committing
9 a known crime. The records shall be released only upon a
10 determination that a rational connection exists between the
11 requested release of information and a legitimate end and
12 that the need for the information is cogent and compelling.

13 EXPLANATION

14 This bill provides that a criminal justice agency is limited
15 in its access to library records to investigations of
16 particular persons or organizations suspected of committing
17 a known crime and only upon a showing that a rational connec-
18 tion exists between the release of the information and a
19 legitimate end and the need for the information is cogent
20 and compelling.

21 The bill takes effect July 1 following enactment.

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Judiciary Do Pass for 5027 1/24/84 (p. 181)

SENATE FILE 442
BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE JANUARY 16, 1984)

Passed Senate, Date 2-24-84 (p. 528) Passed House, Date 2-21-84 (p. 487)

Vote: Ayes 41 Nays 0 Vote: Ayes 69 Nays 17

Approved March 12, 1984 (p. 781)

A BILL FOR

- 1 An Act relating to access to library records by criminal
- 2 justice agencies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE AMENDMENT TO SENATE FILE 442

S-5152

- 1 Amend Senate File 442 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "Code" the word "Supplement".

S-5152 FILED
FEBRUARY 23, 1984

RECEIVED FROM THE HOUSE

Senate concurred 2/24 (p. 528)

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1 Section 1. Section 68A.7, subsection 13, Code 1983, is
2 amended to read as follows:

3 13. The records of a library which, by themselves or when
4 examined with other public records, would reveal the identity
5 of the library patron checking out or requesting an item from
6 the library. The records shall be released to a criminal
7 justice agency only pursuant to an investigation of a
8 particular person or organization suspected of committing
9 a known crime. The records shall be released only upon a
10 judicial determination that a rational connection exists
11 between the requested release of information and a legitimate
12 end and that the need for the information is cogent and
13 compelling.

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SENATE FILE 442

H-5027

- 1 Amend Senate File 442 amended, passed and reprinted
 2 by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 68A.7, Code Supplement 1983,
 6 is amended by adding the following new subsection
 7 and renumbering the remaining subsections as necessary:
 8 NEW SUBSECTION. 6. Search warrants, affidavits
 9 of search warrants, endorsements of search warrants,
 10 and returns of search warrants, until such time as
 11 a criminal complaint is filed against the defendant
 12 or an indictment against the defendant is returned
 13 or a trial information is filed."
 14 2. Page 1, line 1, by inserting after the word
 15 "Code" the word "Supplement".
 16 3. Title page, by striking lines 1 and 2 and
 17 inserting in lieu thereof the following: "An Act
 18 relating to the confidentiality of search warrants,
 19 affidavits of search warrants, endorsements of search
 20 warrants, returns of search warrants, and records
 21 of a library."
 22 4. Renumber as necessary.

H-5027 FILED JANUARY 25, 1984 BY COMMITTEE ON JUDICIARY AND
 A. Adopted, B. H/W 2/21 (p. 486) LAW ENFORCEMENT

SENATE FILE 442

H-5049

- 1 Amend the House amendment H-5027 to Senate File
 2 442 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 8 through 10, and
 5 inserting in lieu thereof the following:
 6 "NEW SUBSECTION. 6. Affidavits of search warrants
 7 until such time as".
 8 2. Page 1, by striking lines 18 through 20, and
 9 inserting in lieu thereof the following: "relating
 10 to the confidentiality of affidavits of search warrants
 11 and records".

H-5049 FILED JANUARY 31, 1984 BY DODERER of Johnson
 H/D 2/21 (p. 486) SENATE FILE 442 MCINTEE of Black Hawk

H-5079

- 1 Amend the House amendment H-5027 to Senate File
 2 442, as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 14 and 15, and
 5 inserting in lieu thereof the following:
 6 "2. Page 1, by striking lines 1 through 13."
 7 2. Page 1, by striking lines 20 and 21, and
 8 inserting in lieu thereof the following: "warrants,
 9 and returns of search warrants."

H-5079 FILED FEB. 2, 1984 BY MILLER of Woodbury
 H/D 2/21/84 (p. 486)

end and that the need for the information is cogent and compelling.

ROBERT T. ANDERSON
President of the Senate

SENATE FILE 442

AN ACT

RELATING TO ACCESS TO LIBRARY RECORDS BY CRIMINAL JUSTICE AGENCIES.

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

Section 1. Section 68A.7, subsection 13, Code Supplement 1983, is amended to read as follows:

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item from the library. The records shall be released to a criminal justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 442, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved March 12, 1984

TERRY E. BRANSTAD
Governor

S.F. 442