

FEB 25 1988

Place On Calendar

HOUSE FILE 2336
BY COMMITTEE ON STATE
GOVERNMENT

(Formerly House Study Bill 652)

Passed House, Date 3/3/88 (p. 562) Passed Senate, Date 3/29/88 (p. 1085)

Vote: Ayes 94 Nays 0 Vote: Ayes 47 Nays 1

Approved May 15, 1988

Referred House 4/6/88 (p. 1437)
90-1

A BILL FOR

1 An Act relating to the confidentiality of certain records of a
2 library.

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

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HF 2336

1 Section 1. Section 22.7, subsection 13, Code Supplement
2 1987, is 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 or
6 information from the library. The records shall be released
7 to a criminal justice agency only pursuant to an investigation
8 of a 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.

14 EXPLANATION

15 This bill includes requests for information, as well as
16 requests for items, for purposes of the provision protecting
17 the confidentiality of library records which would reveal the
18 identity of the library patron.

19 SUCCESSOR TO HSB 652 (LSB 8128HC)

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LSB 8128HV 72

SENATE AMENDMENT TO HOUSE FILE 2336

H-6078

1 Amend House File 2336, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. ____ . NEW SECTION. 22A.1 DISCLOSURE OF
6 INFORMATION CONCERNING USE OF VIDEOTAPES -- PENALTY.

7 1. A person engaged in the business of renting,
8 leasing, loaning, or otherwise distributing for a fee
9 videotapes or other like items to individuals for
10 personal use shall not disclose any information which
11 would reveal the identity of an individual renting,
12 leasing, borrowing, or otherwise obtaining through the
13 business a videotape or other like item, except to the
14 extent permitted by the individual as evidenced by the
15 individual's written consent or as otherwise provided
16 in this section. In the absence of consent, the
17 information may be released to a criminal justice
18 agency only pursuant to an investigation of a
19 particular person or organization suspected of
20 committing a known crime. The information shall be
21 released only upon a judicial determination that a
22 rational connection exists between the requested
23 release of information and a legitimate end and that
24 the need for the information is cogent and compelling.

25 2. A person who violates this section commits a
26 simple misdemeanor."

27 2. Title page, lines 1 and 2, by striking the
28 words "of a library." and inserting the following:
29 "and information concerning individual use of services
30 provided by libraries and video rental businesses, and
31 providing a penalty."

H-6078 FILED MARCH 30, 1988 RECEIVED FROM THE SENATE

Have covered 4/6 (J. 1437)

1 Amend House File 2336, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. ____ . NEW SECTION. 22A.1 DISCLOSURE OF
6 INFORMATION CONCERNING USE OF VIDEOTAPES -- PENALTY.

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28 words "of a library." and inserting the following:
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30 provided by libraries and video rental businesses, and
31 providing a penalty."

S-5614

Filed March 28, 1988

Adopted 3/29 (p. 10 88)

BY RICHARD VARN
MICHAEL E. GRONSTAL
LINN FUHRMAN
DONALD V. DOYLE

HOUSE FILE 5026
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the confidentiality of certain records of a
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HOUSE FILE 2336

AN ACT

RELATING TO THE CONFIDENTIALITY OF CERTAIN RECORDS AND INFORMATION CONCERNING INDIVIDUAL USE OF SERVICES PROVIDED BY LIBRARIES AND VIDEO RENTAL BUSINESSES, AND PROVIDING A PENALTY.

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

Section 1. Section 22.7, subsection 13, Code Supplement 1987, 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 or information 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 end and that the need for the information is cogent and compelling.

Sec. 2. NEW SECTION. 22A.1 DISCLOSURE OF INFORMATION CONCERNING USE OF VIDEOTAPES -- PENALTY.

1. A person engaged in the business of renting, leasing, loaning, or otherwise distributing for a fee videotapes or other like items to individuals for personal use shall not disclose any information which would reveal the identity of an individual renting, leasing, borrowing, or otherwise obtaining through the business a videotape or other like item, except to the extent permitted by the individual as evidenced by the individual's written consent or as otherwise provided in this section. In the absence of consent, the information may 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 information shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

2. A person who violates this section commits a simple misdemeanor.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2336, Seventy-second General Assembly.

Approved  1988

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

HF 2336