

*See Bill 263*

FEB 22 1993

HOUSE FILE 263  
BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Place On Calendar

(SUCCESSOR TO HSB 112)

Passed House, Date 3/5/93 Passed Senate, Date 4/27/93 (A1348)  
Vote: Ayes 97 Nays 1 Vote: Ayes 49 Nays 0  
Approved May 11, 1993

A BILL FOR

1 An Act relating to requirements for fingerprint reporting and  
2 access by individuals and their attorneys to criminal history  
3 data.

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

HOUSE FILE 263

H-3148

1 Amend House File 263 as follows:  
2 1. Page 3, by striking lines 1 through 8 and  
3 inserting the following: "photograph showing a full  
4 length-view the facial features of each inmate of a  
5 state correctional institution in-the-inmate's-release  
6 clothing-immediately prior to the inmate's discharge  
7 from-the-institution-either-upon-expiration-of  
8 sentence-or-commitment-or-on-parole, and shall forward  
9 the-photograph-within-two-days-after-it-is-taken. The  
10 photograph shall be placed in the inmate's file and  
11 shall be made available to the division-of-criminal  
12 investigation-and-bureau-of-identification, Iowa  
13 department of public safety upon request."

By RAFFERTY of Scott

H-3148 FILED MARCH 1, 1993

*Adopted 3-5-93*

HF 263

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23

1 Section 1. Section 690.2, Code 1993, is amended to read as  
2 follows:

3 690.2 FINGER AND PALM PRINTS -- DUTY OF SHERIFF AND CHIEF  
4 OF POLICE.

5 ~~It shall be the duty of the~~ The sheriff of every county,  
6 and the chief of police of each city regardless of the form of  
7 government thereof ~~and having a population of ten thousand or~~  
8 over, to shall take the fingerprints of all persons held  
9 ~~either for investigation, for the commission of a felony, as a~~  
10 ~~fugitive from justice, or for bootlegging, the maintenance of~~  
11 ~~an intoxicating liquor nuisance, manufacturing intoxicating~~  
12 ~~liquor, operating a motor vehicle while under the influence of~~  
13 ~~an alcoholic beverage or for illegal transportation of~~  
14 ~~intoxicating liquor, and to take the fingerprints of all~~  
15 unidentified dead bodies in their respective jurisdictions,  
16 and all persons who are taken into custody for the commission  
17 of a serious misdemeanor, aggravated misdemeanor, or felony  
18 and to shall forward such fingerprint records on such forms  
19 and in such manner as may be prescribed by the commissioner of  
20 public safety, ~~within forty-eight hours~~ two working days after  
21 ~~the same fingerprint records are taken, to the bureau of~~  
22 ~~criminal department of public safety and, if appropriate, to~~  
23 ~~the federal bureau of investigation. If the fingerprints of~~  
24 ~~any person are taken under the provisions hereof whose~~  
25 ~~fingerprints are not already on file, and said person is not~~  
26 ~~convicted of any offense, then said fingerprint records shall~~  
27 ~~be destroyed by any officer having them.~~ Fingerprints may be  
28 taken of a person who has been arrested for a simple  
29 misdemeanor involving simple assault, domestic abuse assault,  
30 stalking, a fraudulent practice, and interference with  
31 official acts. In addition to the fingerprints as herein  
32 provided any such officer may also take the photograph and  
33 palm prints of any such person and forward them to the  
34 department of public safety. If a defendant is convicted by a  
35 court of this state of an offense which is a serious

1 misdemeanor, aggravated misdemeanor, or felony, the court  
2 shall determine whether such defendant has previously been  
3 fingerprinted in connection with the criminal proceedings  
4 leading to the conviction and, if not, shall order that the  
5 defendant be fingerprinted and those prints submitted to the  
6 department of public safety.

7 Sec. 2. Section 690.4, Code 1993, is amended to read as  
8 follows:

9 690.4 FINGERPRINTS AND PHOTOGRAPHS AT INSTITUTIONS.

10 ~~It shall be the duty of the wardens~~ The warden of the  
11 ~~penitentiary and men's reformatory,~~ Iowa medical and  
12 ~~classification center and superintendents~~ superintendent of  
13 ~~the Iowa correctional institution for women, and the~~ state  
14 training school to shall take or procure the taking of the  
15 fingerprints, and, in the case of the ~~penitentiary, men's~~  
16 ~~reformatory, and Iowa correctional institution for women~~ Iowa  
17 medical and classification center only, Bertillon photographs  
18 of any person received on commitment to their respective  
19 institutions, and ~~to shall~~ forward such fingerprint records  
20 and photographs within ten days after ~~the same~~ they are taken  
21 to the ~~division of criminal investigation and bureau of~~  
22 ~~identification, Iowa~~ department of public safety, and to the  
23 federal bureau of investigation. Information obtained from  
24 fingerprint cards submitted pursuant to this section may be  
25 retained by the department of public safety as criminal  
26 history records. If a charge for a serious misdemeanor,  
27 aggravated misdemeanor, or felony is brought against a person  
28 already in the custody of a law enforcement of correctional  
29 agency and the charge is filed in a case separate from the  
30 case for which the person was previously arrested or confined,  
31 the agency shall take the fingerprints of the person in  
32 connection with the new case and submit them to the department  
33 of public safety.

34 The wardens and superintendents of all department of  
35 corrections' facilities shall procure the taking of a

1 photograph showing a full length view of each inmate of a  
2 state correctional institution in the inmate's release  
3 clothing immediately prior to the inmate's discharge from the  
4 institution either upon expiration of sentence or commitment  
5 or on parole, and shall forward the photograph within two days  
6 after it is taken to the ~~division-of-criminal-investigation~~  
7 ~~and-bureau-of-identification~~, Iowa department of public  
8 safety.

9 Sec. 3. Section 692.2, subsection 1, Code 1993, is amended  
10 by adding the following new paragraph:

11 NEW PARAGRAPH. j. A person or the person's attorney but  
12 only with regard to the person's own criminal history data,  
13 subject to the identification and fee requirements of section  
14 692.2, subsection 6, and section 692.5.

15 Sec. 4. Section 692.5, unnumbered paragraph 1, Code 1993,  
16 is amended to read as follows:

17 Any person or the person's attorney ~~with-written~~  
18 ~~authorization-and-fingerprint-identification~~ shall have the  
19 right to examine and obtain a copy of criminal history data  
20 filed with the bureau department that refers to the person.  
21 The person or person's attorney shall present or mail to the  
22 department written authorization and the person's fingerprint  
23 identification. The bureau department may prescribe  
24 reasonable hours and places of examination.

25 Sec. 5. Section 692.15, Code 1993, is amended to read as  
26 follows:

27 692.15 REPORTS TO DEPARTMENT.

28 1. When If it comes to the attention of a sheriff, police  
29 department, or other law enforcement agency that a public  
30 offense has been committed in its jurisdiction, ~~it-shall-be~~  
31 ~~the-duty-of~~ the law enforcement agency to shall report  
32 information concerning such ~~crimes~~ a public offense to the  
33 bureau department on a form to be furnished by the bureau  
34 department not more than thirty-five days from the time the  
35 crime public offense first comes to the attention of such the

1 law enforcement agency. ~~These~~ The reports shall be used to  
2 generate crime statistics. The bureau department shall submit  
3 statistics to the governor, ~~legislature~~ the general assembly,  
4 and the division of criminal and juvenile justice planning of  
5 the department of human rights on a quarterly and yearly  
6 basis.

7 2. When If a sheriff, police department, or other law  
8 enforcement agency makes an arrest which is reported to the  
9 bureau department, the arresting law enforcement agency and  
10 any other law enforcement agency which obtains custody of the  
11 arrested person shall furnish a disposition report to the  
12 bureau-whenver department if the arrested person is  
13 transferred to the custody of another law enforcement agency  
14 or is released without having a complaint or information filed  
15 with any court.

16 3. The law enforcement agency making an arrest and  
17 securing fingerprints pursuant to section 690.2 shall fill out  
18 a final disposition report on each arrest on a form and in the  
19 manner prescribed by the commissioner of public safety. The  
20 final disposition report shall be forwarded to the county  
21 attorney in the county where the arrest occurred.

22 4. The county attorney of each county shall complete the  
23 final disposition report and submit it to the department  
24 within thirty days if a preliminary information or citation is  
25 dismissed without a new charge being filed. If an indictment  
26 is returned or a county attorney's information is filed, the  
27 final disposition form shall be forwarded to the clerk of the  
28 district court of that county.

29 5. Whenever If a criminal complaint or information is  
30 filed in any court, the clerk shall furnish a disposition  
31 report of such the case.

32 6. The Any disposition report, ~~whether-by-a-law~~  
33 ~~enforcement-agency-or-court~~, shall be sent to the bureau  
34 department within thirty days after disposition on a form  
35 provided by the bureau department.

1 7. The hate crimes listed in section 729A.2 are subject to  
2 the reporting requirements of this section.

3 EXPLANATION

4 Section 1 requires that all law enforcement agencies must  
5 take fingerprints of adult offenders. Previously, only law  
6 enforcement agencies in counties or cities with a population  
7 of 10,000 or greater had this requirement. Fingerprints for  
8 offenses which are serious or aggravated misdemeanors or  
9 felonies must be submitted to the department of public safety  
10 within two working days. Section 1 also provides that  
11 fingerprints may be taken when a person is arrested for  
12 certain simple misdemeanors.

13 Section 2 provides that criminal history records may be  
14 created from fingerprints received from department of  
15 corrections institutions within the state.

16 Sections 3 and 4 provide that a person's criminal history  
17 data may be distributed to that person or that person's  
18 attorney.

19 Section 5 substitutes the word "department" for "bureau" in  
20 section 692.15 and provides that the law enforcement agency  
21 making the arrest and submitting the fingerprint report is  
22 also to submit a final disposition report on a form to be  
23 prescribed by the commissioner of public safety. This form  
24 shall be forwarded to the county attorney in the county of  
25 arrest for completion.

26 This bill may contain a state mandate under chapter 25B.

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HOUSE FILE 263  
FISCAL NOTE

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A fiscal note for House File 263 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 263 requires that all law enforcement agencies must take fingerprints of adult offenders. Previously, only law enforcement agencies in counties or cities with a population of 10,000 or greater had this requirement. The bill also provides that fingerprints may be taken when a person is arrested for certain simple misdemeanors.

Fiscal Effect

The fiscal impact of House File 263 cannot be determined. Currently, all 99 counties are set up to conduct fingerprinting. While many smaller law enforcement agencies may not have fingerprinting equipment, this service is available through their respective county sheriff's offices. If a significant number of the smaller law enforcement agencies use the sheriff's offices for fingerprinting, the cost will be minimal. However, if a large number of law enforcement agencies elect to purchase fingerprinting equipment, the cost could be significant depending on the type of equipment purchased. The cost of fingerprinting equipment ranges from \$1,000 for state-of-the-art equipment to \$100 for the minimum equipment necessary for fingerprinting.

The Department of Public Safety maintains all of the State's fingerprint and criminal history records and stated that this legislation would have little or no fiscal impact on the Department.

Source: Department of Public Safety  
Iowa League of Municipalities

(LSB 1991hv, DLR)

FILED FEBRUARY 24, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

(P. 557) 3/5/93 Senate Judiciary  
(S. 1128) Senate - Amended/Re Pass W/S - 3448

HOUSE FILE 263  
BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(SUCCESSOR TO HSB 112)

As Amended and Passed by the House March 5, 1993)

Passed House, <sup>(P. 1785)</sup> Date 4/28/93 Passed Senate, Date 4/27/93 (P. 368)  
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0  
Approved May 11, 1993

A BILL FOR

1 An Act relating to requirements for fingerprint reporting and  
2 access by individuals and their attorneys to criminal history  
3 data.

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

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



1 Section 1. Section 690.2, Code 1993, is amended to read as  
2 follows:

3 690.2 FINGER AND PALM PRINTS -- DUTY OF SHERIFF AND CHIEF  
4 OF POLICE.

5 ~~It shall be the duty of the~~ The sheriff of every county,  
6 and the chief of police of each city regardless of the form of  
7 government thereof ~~and having a population of ten thousand or~~  
8 ~~over,~~ to shall take the fingerprints of all persons held  
9 ~~either for investigation, for the commission of a felony, as a~~  
10 ~~fugitive from justice, or for bootlegging, the maintenance of~~  
11 ~~an intoxicating liquor nuisance, manufacturing intoxicating~~  
12 ~~liquor, operating a motor vehicle while under the influence of~~  
13 ~~an alcoholic beverage or for illegal transportation of~~  
14 ~~intoxicating liquor, and to take the fingerprints of all~~  
15 unidentified dead bodies in their respective jurisdictions,  
16 and all persons who are taken into custody for the commission  
17 of a serious misdemeanor, aggravated misdemeanor, or felony  
18 and to shall forward such fingerprint records on such forms  
19 and in such manner as may be prescribed by the commissioner of  
20 public safety, within ~~forty-eight hours~~ two working days after  
21 ~~the same fingerprint records~~ are taken, to the bureau of  
22 ~~criminal~~ department of public safety and, if appropriate, to  
23 the federal bureau of investigation. ~~if the fingerprints of~~  
24 ~~any person are taken under the provisions hereof whose~~  
25 ~~fingerprints are not already on file, and said person is not~~  
26 ~~convicted of any offense, then said fingerprint records shall~~  
27 ~~be destroyed by any officer having them.~~ Fingerprints may be  
28 taken of a person who has been arrested for a simple  
29 misdemeanor involving simple assault, domestic abuse assault,  
30 stalking, a fraudulent practice, and interference with  
31 official acts. In addition to the fingerprints as herein  
32 provided any such officer may also take the photograph and  
33 palm prints of any such person and forward them to the  
34 department of public safety. If a defendant is convicted by a  
35 court of this state of an offense which is a serious

1 misdemeanor, aggravated misdemeanor, or felony, the court  
2 shall determine whether such defendant has previously been  
3 fingerprinted in connection with the criminal proceedings  
4 leading to the conviction and, if not, shall order that the  
5 defendant be fingerprinted and those prints submitted to the  
6 department of public safety.

7 Sec. 2. Section 690.4, Code 1993, is amended to read as  
8 follows:

9 690.4 FINGERPRINTS AND PHOTOGRAPHS AT INSTITUTIONS.

10 ~~It shall be the duty of the wardens~~ The warden of the  
11 ~~penitentiary and men's reformatory,~~ Iowa medical and  
12 classification center and ~~superintendents~~ superintendent of  
13 ~~the Iowa correctional institution for women, and the state~~  
14 ~~training school~~ to shall take or procure the taking of the  
15 fingerprints, and, in the case of the ~~penitentiary,~~ men's  
16 ~~reformatory, and Iowa correctional institution for women~~ Iowa  
17 medical and classification center only, Bertillon photographs  
18 of any person received on commitment to their respective  
19 institutions, and to shall forward such fingerprint records  
20 and photographs within ten days after ~~the same~~ they are taken  
21 to the ~~division of criminal investigation and bureau of~~  
22 ~~identification,~~ Iowa department of public safety, and to the  
23 federal bureau of investigation. Information obtained from  
24 fingerprint cards submitted pursuant to this section may be  
25 retained by the department of public safety as criminal  
26 history records. If a charge for a serious misdemeanor,  
27 aggravated misdemeanor, or felony is brought against a person  
28 already in the custody of a law enforcement of correctional  
29 agency and the charge is filed in a case separate from the  
30 case for which the person was previously arrested or confined,  
31 the agency shall take the fingerprints of the person in  
32 connection with the new case and submit them to the department  
33 of public safety.

34 The wardens and superintendents of all department of  
35 corrections' facilities shall procure the taking of a

1 ~~photograph showing a full-length view~~ the facial features of  
2 ~~each inmate of a state correctional institution in the~~  
3 ~~inmate's release clothing immediately prior to the inmate's~~  
4 ~~discharge from the institution either upon expiration of~~  
5 ~~sentence or commitment or on parole, and shall forward the~~  
6 ~~photograph within two days after it is taken.~~ The photograph  
7 shall be placed in the inmate's file and shall be made  
8 available to the ~~division of criminal investigation and bureau~~  
9 ~~of identification, Iowa department of public safety upon~~  
10 request.

11 Sec. 3. Section 692.2, subsection 1, Code 1993, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. j. A person or the person's attorney but  
14 only with regard to the person's own criminal history data,  
15 subject to the identification and fee requirements of section  
16 692.2, subsection 6, and section 692.5.

17 Sec. 4. Section 692.5, unnumbered paragraph 1, Code 1993,  
18 is amended to read as follows:

19 Any person or the person's attorney ~~with written~~  
20 ~~authorization and fingerprint identification~~ shall have the  
21 right to examine and obtain a copy of criminal history data  
22 filed with the ~~bureau~~ department that refers to the person.  
23 The person or person's attorney shall present or mail to the  
24 department written authorization and the person's fingerprint  
25 identification. The ~~bureau~~ department may prescribe  
26 reasonable hours and places of examination.

27 Sec. 5. Section 692.15, Code 1993, is amended to read as  
28 follows:

29 692.15 REPORTS TO DEPARTMENT.

30 1. When If it comes to the attention of a sheriff, police  
31 department, or other law enforcement agency that a public  
32 offense has been committed in its jurisdiction, ~~it shall be~~  
33 ~~the duty of~~ the law enforcement agency to shall report  
34 information concerning such ~~crimes~~ a public offense to the  
35 ~~bureau~~ department on a form to be furnished by the ~~bureau~~

1 department not more than thirty-five days from the time the  
2 crime public offense first comes to the attention of such the  
3 law enforcement agency. ~~These~~ The reports shall be used to  
4 generate crime statistics. The bureau department shall submit  
5 statistics to the governor, ~~legislature~~ the general assembly,  
6 and the division of criminal and juvenile justice planning of  
7 the department of human rights on a quarterly and yearly  
8 basis.

9 2. When If a sheriff, police department, or other law  
10 enforcement agency makes an arrest which is reported to the  
11 bureau department, the arresting law enforcement agency and  
12 any other law enforcement agency which obtains custody of the  
13 arrested person shall furnish a disposition report to the  
14 ~~bureau-whenver~~ department if the arrested person is  
15 transferred to the custody of another law enforcement agency  
16 or is released without having a complaint or information filed  
17 with any court.

18 3. The law enforcement agency making an arrest and  
19 securing fingerprints pursuant to section 690.2 shall fill out  
20 a final disposition report on each arrest on a form and in the  
21 manner prescribed by the commissioner of public safety. The  
22 final disposition report shall be forwarded to the county  
23 attorney in the county where the arrest occurred.

24 4. The county attorney of each county shall complete the  
25 final disposition report and submit it to the department  
26 within thirty days if a preliminary information or citation is  
27 dismissed without a new charge being filed. If an indictment  
28 is returned or a county attorney's information is filed, the  
29 final disposition form shall be forwarded to the clerk of the  
30 district court of that county.

31 5. Whenever If a criminal complaint or information is  
32 filed in any court, the clerk shall furnish a disposition  
33 report of such the case.

34 6. The Any disposition report, ~~whether-by-a-law~~  
35 ~~enforcement-agency-or-court,~~ shall be sent to the bureau

1 department within thirty days after disposition on a form  
2 provided by the ~~bureau~~ department.

3 7. The hate crimes listed in section 729A.2 are subject to  
4 the reporting requirements of this section.

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## HOUSE FILE 263

S-3618

1 Amend the amendment, S-3478, to House File 263, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_. Page 1, by striking lines 28 through 31 and  
7 inserting the following: "taken of a person who has  
8 been arrested for a public offense subject to an  
9 enhanced penalty for conviction of a second or  
10 subsequent offense. In addition to the fingerprints  
11 as herein"."

12 2. Page 1, by striking lines 26 through 47 and  
13 inserting the following:

14 "\_\_\_\_. Page 3, line 25, by inserting after the  
15 word "identification." the following: "The department  
16 shall not copy the fingerprint identification and  
17 shall return or destroy the identification after the  
18 copy of the criminal history data is made."

19 \_\_\_\_\_. Page 5, by inserting after line 4 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 692.16, Code 1993, is amended  
22 to read as follows:

23 692.16 REVIEW AND REMOVAL.

24 At least every year the bureau shall review and  
25 determine current status of all Iowa arrests reported,  
26 which are at least one year old with no disposition  
27 data. Any Iowa arrest recorded within a computer data  
28 storage system which has no disposition data after  
29 ~~five~~ four years shall be removed unless there is an  
30 outstanding arrest warrant or detainer on such charge.

31 Sec. \_\_\_\_\_. Section 692.17, Code 1993, is amended to  
32 read as follows:

33 692.17 EXCLUSIONS -- PURPOSES.

34 Criminal history data in a computer data storage  
35 system shall not include arrest or disposition data  
36 after the person has been acquitted or the charges  
37 dismissed.

38 For the purposes of this section, "criminal history  
39 data" includes information maintained by any criminal  
40 justice agency if the information otherwise meets the  
41 definition of criminal history data set forth in  
42 section 692.1 and also includes the source documents  
43 of the information included in the criminal history  
44 data and fingerprint records.

45 Criminal history data may be collected for  
46 management or research purposes."

47 3. By renumbering as necessary.

By RALPH ROSENBERG

LINN FUHRMAN

S-3618 FILED APRIL 23, 1993

*Adopted 4/27/93 (p.1368)*

## HOUSE FILE 263

-3478

Amend House File 263, as amended, passed, and  
reprinted by the House, as follows:

1. Page 3, by inserting after line 10 the  
following:

"Sec. \_\_\_\_ . NEW SECTION. 690.5 ADMINISTRATIVE  
SANCTIONS.

An agency subject to fingerprinting and disposition  
requirements under this chapter shall take all steps  
necessary to ensure that all agency officials and  
employees understand the requirements and shall  
provide for and impose administrative sanctions, as  
appropriate, for failure to report as required.

If a criminal justice agency subject to  
fingerprinting and disposition requirements fails to  
comply with the requirements, the commissioner of  
public safety shall order that the agency's access to  
criminal history record information maintained by the  
repository be denied or restricted until the agency  
complies with the reporting requirements.

The state court administrator shall develop a  
policy to ensure that court personnel understand and  
comply with the fingerprinting and disposition  
requirements and shall also develop sanctions for  
court personnel who fail to comply with the  
requirements."

2. Page 4, lines 32 and 33, by striking the words  
"furnish a disposition report of such the case" and  
inserting the following: "~~furnish-a-disposition~~  
~~report-of-such-case~~ submit the final disposition  
report to the department within thirty days of an  
acquittal, dismissal of charges, or conviction".

3. Page 5, by inserting after line 4 the  
following:

"Sec. \_\_\_\_ . Section 692.16, Code 1993, is amended  
by striking the section and inserting in lieu thereof  
the following:

692.16 REVIEW AND REMOVAL.

All arrest reports with no disposition data shall  
be reviewed every six months. An Iowa arrest report  
shall be removed from the department's records or data  
storage system and destroyed if the disposition was an  
acquittal or dismissal of charges or if no charges  
were filed. An Iowa arrest recorded within a computer  
data storage system which has no disposition data  
after five years shall be removed unless there is an  
outstanding arrest warrant or detainer on such  
charge."

4. By renumbering as necessary.

By COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

3478 FILED APRIL 13, 1993

*Adopted 4/27/93 (p. 1368)*

SENATE AMENDMENT TO HOUSE FILE 263

H-4222

1 Amend House File 263, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 28 through 31 and  
4 inserting the following: "taken of a person who has  
5 been arrested for a public offense subject to an  
6 enhanced penalty for conviction of a second or  
7 subsequent offense. In addition to the fingerprints  
8 as herein".

9 2. Page 3, by inserting after line 10 the  
10 following:

11 "Sec. \_\_\_\_ . NEW SECTION. 690.5 ADMINISTRATIVE  
12 SANCTIONS.

13 An agency subject to fingerprinting and disposition  
14 requirements under this chapter shall take all steps  
15 necessary to ensure that all agency officials and  
16 employees understand the requirements and shall  
17 provide for and impose administrative sanctions, as  
18 appropriate, for failure to report as required.

19 If a criminal justice agency subject to  
20 fingerprinting and disposition requirements fails to  
21 comply with the requirements, the commissioner of  
22 public safety shall order that the agency's access to  
23 criminal history record information maintained by the  
24 repository be denied or restricted until the agency  
25 complies with the reporting requirements.

26 The state court administrator shall develop a  
27 policy to ensure that court personnel understand and  
28 comply with the fingerprinting and disposition  
29 requirements and shall also develop sanctions for  
30 court personnel who fail to comply with the  
31 requirements."

32 3. Page 3, line 25, by inserting after the word  
33 "identification." the following: "The department  
34 shall not copy the fingerprint identification and  
35 shall return or destroy the identification after the  
36 copy of the criminal history data is made."

37 4. Page 5, by inserting after line 4 the  
38 following:

39 "Sec. \_\_\_\_ . Section 692.16, Code 1993, is amended  
40 to read as follows:

41 692.16 REVIEW AND REMOVAL.

42 At least every year the bureau shall review and  
43 determine current status of all Iowa arrests reported,  
44 which are at least one year old with no disposition  
45 data. Any Iowa arrest recorded within a computer data  
46 storage system which has no disposition data after  
47 ~~five~~ four years shall be removed unless there is an  
48 outstanding arrest warrant or detainer on such charge.

49 Sec. \_\_\_\_ . Section 692.17, Code 1993, is amended to  
50 read as follows:

H-4222

-1-

*House Concurred  
(p. 1785) 4/28/93*



H-4222

Page 2

1 692.17 EXCLUSIONS -- PURPOSES.

2 Criminal history data in a computer data storage  
3 system shall not include arrest or disposition data  
4 after the person has been acquitted or the charges  
5 dismissed.

6 For the purposes of this section, "criminal history  
7 data" includes information maintained by any criminal  
8 justice agency if the information otherwise meets the  
9 definition of criminal history data set forth in  
10 section 692.1 and also includes the source documents  
11 of the information included in the criminal history  
12 data and fingerprint records.

13 Criminal history data may be collected for  
14 management or research purposes."

15 5. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4222 FILED APRIL 27, 1993

*Handwritten:*  
Final  
Completed  
4/28/99  
P. 1785

HSB 112

Judiciary & Law Enforcement

Rafferty, Chair  
Neuhauer  
Boddicker

HOUSE FILE Now 263  
BY (PROPOSED COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT BILL BY  
CHAIRPERSON McNEAL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to requirements for fingerprint reporting, access  
2 by individuals and their attorneys to criminal history data,  
3 and administrative penalties for failure to file required  
4 reports.

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

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1 Section 1. Section 690.2, Code 1993, is amended to read as  
2 follows:

3 690.2 FINGER AND PALM PRINTS -- DUTY OF SHERIFF AND CHIEF  
4 OF POLICE.

5 ~~It shall be the duty of the~~ The sheriff of every county,  
6 and the chief of police of each city regardless of the form of  
7 government thereof ~~and having a population of ten thousand or~~  
8 ~~over,~~ to shall take the fingerprints of all persons held  
9 ~~either for investigation, for the commission of a felony, as a~~  
10 ~~fugitive from justice, or for bootlegging, the maintenance of~~  
11 ~~an intoxicating liquor nuisance, manufacturing intoxicating~~  
12 ~~liquor, operating a motor vehicle while under the influence of~~  
13 ~~an alcoholic beverage or for illegal transportation of~~  
14 ~~intoxicating liquor, and to take the fingerprints of all~~  
15 unidentified dead bodies in their respective jurisdictions,  
16 and all persons who are taken into custody for the commission  
17 of a serious misdemeanor, aggravated misdemeanor, or felony  
18 and to shall forward such fingerprint records on such forms  
19 and in such manner as may be prescribed by the commissioner of  
20 public safety, within forty-eight twenty-four hours after the  
21 same fingerprint records are taken, to the bureau of criminal  
22 department of public safety and, if appropriate, to the  
23 federal bureau of investigation. ~~If the fingerprints of any~~  
24 ~~person are taken under the provisions hereof whose~~  
25 ~~fingerprints are not already on file, and said person is not~~  
26 ~~convicted of any offense, then said fingerprint records shall~~  
27 ~~be destroyed by any officer having them.~~ Fingerprints may be  
28 taken of a person who has been arrested for a simple  
29 misdemeanor involving simple assault, domestic abuse assault,  
30 stalking, a fraudulent practice, and interference with  
31 official acts. In addition to the fingerprints as herein  
32 provided any such officer may also take the photograph and  
33 palm prints of any such person and forward them to the  
34 department of public safety. If a defendant is convicted by a  
35 court of this state of an offense which is a serious

1 misdemeanor, aggravated misdemeanor, or felony, the court  
2 shall determine whether such defendant has previously been  
3 fingerprinted in connection with the criminal proceedings  
4 leading to the conviction and, if not, shall order that the  
5 defendant be fingerprinted and those prints submitted to the  
6 department of public safety.

7 Sec. 2. Section 690.4, Code 1993, is amended to read as  
8 follows:

9 690.4 FINGERPRINTS AND PHOTOGRAPHS AT INSTITUTIONS.

10 ~~It shall be the duty of the wardens~~ The warden of the  
11 ~~penitentiary and men's reformatory,~~ Iowa medical and  
12 ~~classification center and superintendents~~ superintendent of  
13 ~~the Iowa correctional institution for women, and the state~~  
14 ~~training school~~ to shall take or procure the taking of the  
15 ~~fingerprints, and, in the case of the penitentiary,~~ men's  
16 ~~reformatory, and Iowa correctional institution for women~~ Iowa  
17 ~~medical and classification center~~ only, Bertillon photographs  
18 ~~of any person received on commitment to their respective~~  
19 ~~institutions, and to shall forward such fingerprint records~~  
20 ~~and photographs within ten days after the same they are taken~~  
21 ~~to the division of criminal investigation and bureau of~~  
22 ~~identification, Iowa~~ department of public safety, and to the  
23 federal bureau of investigation. Information obtained from  
24 fingerprint cards submitted pursuant to this section may be  
25 retained by the department of public safety as criminal  
26 history records. If a charge for a serious misdemeanor,  
27 aggravated misdemeanor, or felony is brought against a person  
28 already in the custody of a law enforcement of correctional  
29 agency and the charge is filed in a case separate from the  
30 case for which the person was previously arrested or confined,  
31 the agency shall take the fingerprints of the person in  
32 connection with the new case and submit them to the department  
33 of public safety.

34 The wardens and superintendents of all department of  
35 corrections' facilities shall procure the taking of a

1 photograph showing a full length view of each inmate of a  
2 state correctional institution in the inmate's release  
3 clothing immediately prior to the inmate's discharge from the  
4 institution either upon expiration of sentence or commitment  
5 or on parole, and shall forward the photograph within two days  
6 after it is taken to the ~~division-of-criminal-investigation~~  
7 ~~and-bureau-of-identification~~7-Iowa department of public  
8 safety.

9 Sec. 3. NEW SECTION. 690.5 ADMINISTRATIVE SANCTIONS.

10 An agency subject to fingerprinting requirements pursuant  
11 to this chapter shall take appropriate steps to ensure that  
12 all agency officials and employees understand the requirements  
13 of this chapter and shall provide for and impose  
14 administrative sanctions, as appropriate, for failure to  
15 report as required.

16 If a criminal justice agency subject to fingerprinting  
17 requirements of this chapter intentionally and persistently  
18 fails to comply with the requirements, the commissioner of  
19 public safety may order the agency's access to criminal  
20 history record information maintained by the repository denied  
21 or restricted until the agency complies with legal reporting  
22 requirements.

23 Sec. 4. Section 692.2, subsection 1, Code 1993, is amended  
24 by adding the following new paragraph:

25 NEW PARAGRAPH. j. A person or the person's attorney but  
26 only with regard to the person's own criminal history data,  
27 subject to the identification and fee requirements of section  
28 692.2, subsection 6, and section 692.5.

29 Sec. 5. Section 692.5, unnumbered paragraph 1, Code 1993,  
30 is amended to read as follows:

31 Any person or the person's attorney ~~with-written~~  
32 ~~authorization-and-fingerprint-identification~~ shall have the  
33 right to examine and obtain a copy of criminal history data  
34 filed with the bureau department that refers to the person.  
35 The person or person's attorney shall present or mail to the

1 department written authorization and the person's fingerprint  
2 identification. The bureau department may prescribe  
3 reasonable hours and places of examination.

4 Sec. 6. Section 692.15, Code 1993, is amended to read as  
5 follows:

6 692.15 REPORTS TO DEPARTMENT.

7 1. When If it comes to the attention of a sheriff, police  
8 department, or other law enforcement agency that a public  
9 offense has been committed in its jurisdiction, ~~it shall be~~  
10 ~~the duty of~~ the law enforcement agency to shall report  
11 information concerning such ~~crimes~~ a public offense to the  
12 bureau department on a form to be furnished by the bureau  
13 department not more than thirty-five days from the time the  
14 ~~crime~~ public offense first comes to the attention of ~~such~~ the  
15 law enforcement agency. ~~These~~ The reports shall be used to  
16 generate crime statistics. The bureau department shall submit  
17 statistics to the governor, ~~legislature~~ the general assembly,  
18 and the division of criminal and juvenile justice planning of  
19 the department of human rights on a quarterly and yearly  
20 basis.

21 2. When If a sheriff, police department, or other law  
22 enforcement agency makes an arrest which is reported to the  
23 bureau department, the arresting law enforcement agency and  
24 any other law enforcement agency which obtains custody of the  
25 arrested person shall furnish a disposition report to the  
26 ~~bureau-whenver~~ department if the arrested person is  
27 transferred to the custody of another law enforcement agency  
28 or is released without having a complaint or information filed  
29 with any court.

30 3. The law enforcement agency making an arrest and  
31 securing fingerprints pursuant to section 690.2 shall fill out  
32 a final disposition report on each arrest on a form and in the  
33 manner prescribed by the commissioner of public safety. The  
34 final disposition report shall be forwarded to the county  
35 attorney in the county where the arrest occurred.

1 4. The county attorney of each county shall complete the  
2 final disposition report and submit it to the department  
3 within thirty days if a preliminary information or citation is  
4 dismissed without a new charge being filed. If an indictment  
5 is returned or a county attorney's information is filed, the  
6 final disposition form shall be forwarded to the clerk of the  
7 district court of that county.

8 5. Whenever If a criminal complaint or information is  
9 filed in any court, the clerk shall furnish a disposition  
10 report of such the case.

11 6. The Any disposition report, whether by a law  
12 enforcement agency or court, shall be sent to the bureau  
13 department within thirty days after disposition on a form  
14 provided by the bureau department.

15 7. The hate crimes listed in section 729A.2 are subject to  
16 the reporting requirements of this section.

17 Sec. 7. NEW SECTION. 692.22 ADMINISTRATIVE SANCTIONS.

18 An agency subject to the reporting requirements of this  
19 chapter shall take appropriate steps to ensure that all agency  
20 officials and employees understand the requirements of this  
21 chapter and shall provide for and impose, as appropriate,  
22 administrative sanctions for failure to report as required.

23 If a criminal justice agency subject to reporting  
24 requirements of this chapter intentionally and persistently  
25 fails to comply with the requirements, the commissioner of  
26 public safety may order that the agency's access to criminal  
27 history record information maintained by the repository be  
28 denied or restricted until the agency complies with legal  
29 reporting requirements.

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#### EXPLANATION

31 Section 1 requires that all law enforcement agencies must  
32 now take fingerprints of adult offenders. Previously, only  
33 law enforcement agencies in counties or cities with a  
34 population of 10,000 or greater had this requirement.  
35 Fingerprints for offenses which are serious or aggravated

1 misdemeanors or felonies must be submitted to the department  
2 of public safety. Section 1 also provides that fingerprints  
3 may be taken when a person is arrested for certain simple  
4 misdemeanors.

5 Section 2 provides that criminal history records may be  
6 created from fingerprints received from department of  
7 corrections institutions within the state.

8 Section 3 requires law enforcement agencies subject to  
9 fingerprint reporting requirements to educate their personnel  
10 on the requirements and adopt administrative penalties for  
11 personnel who fail to submit the required reports. This  
12 section also gives the commissioner of public safety the  
13 authority to deny access to criminal history data to a law  
14 enforcement agency which intentionally and persistently fails  
15 to submit the required reports.

16 Sections 4 and 5 provide that a person's criminal history  
17 data may be distributed to that person or that person's  
18 attorney.

19 Section 6 substitutes the word "department" for "bureau" in  
20 section 692.15 and provides that the law enforcement agency  
21 making the arrest and submitting the fingerprint report is  
22 also to submit a final disposition report on a form to be  
23 prescribed by the commissioner of public safety. This form  
24 shall be forwarded to the county attorney in the county of  
25 arrest for completion.

26 Section 7 requires law enforcement agencies subject to  
27 criminal history reporting requirements to educate their  
28 personnel on the requirements and adopt administrative  
29 penalties for personnel who fail to submit the required  
30 reports. This section also gives the commissioner of public  
31 safety the authority to deny access to criminal history data  
32 to a law enforcement agency which intentionally and  
33 persistently fails to submit the required reports.

34 This bill may contain a state mandate under chapter 25B.

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HOUSE FILE 263

AN ACT

RELATING TO REQUIREMENTS FOR FINGERPRINT REPORTING AND ACCESS  
BY INDIVIDUALS AND THEIR ATTORNEYS TO CRIMINAL HISTORY  
DATA.

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

Section 1. Section 690.2, Code 1993, is amended to read as follows:

690.2 FINGER AND PALM PRINTS -- DUTY OF SHERIFF AND CHIEF OF POLICE.

~~It shall be the duty of the~~ The sheriff of every county, and the chief of police of each city regardless of the form of government thereof ~~and having a population of ten thousand or over, to shall~~ take the fingerprints of all persons held ~~either for investigation, for the commission of a felony, as a fugitive from justice, or for bootlegging, the maintenance of an intoxicating liquor nuisance, manufacturing intoxicating liquor, operating a motor vehicle while under the influence of~~

~~an alcoholic beverage or for illegal transportation of intoxicating liquor, and to take the fingerprints of all~~ unidentified dead bodies in their respective jurisdictions, ~~and all persons who are taken into custody for the commission of a serious misdemeanor, aggravated misdemeanor, or felony~~ and to shall forward such fingerprint records on such forms and in such manner as may be prescribed by the commissioner of public safety, within ~~forty-eight hours two working days~~ after the same fingerprint records are taken, to the bureau of criminal department of public safety and, if appropriate, to the federal bureau of investigation. ~~if the fingerprints of any person are taken under the provisions hereof whose fingerprints are not already on file, and said person is not convicted of any offense, then said fingerprint records shall be destroyed by any officer having them.~~ Fingerprints may be taken of a person who has been arrested for a public offense subject to an enhanced penalty for conviction of a second or subsequent offense. In addition to the fingerprints as herein provided any such officer may also take the photograph and palm prints of any such person and forward them to the department of public safety. If a defendant is convicted by a court of this state of an offense which is a serious misdemeanor, aggravated misdemeanor, or felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprinted and those prints submitted to the department of public safety.

Sec. 2. Section 690.4, Code 1993, is amended to read as follows:

690.4 FINGERPRINTS AND PHOTOGRAPHS AT INSTITUTIONS.

~~It shall be the duty of the wardens~~ The warden of the penitentiary and men's reformatory, Iowa medical and classification center and superintendents superintendent of the ~~Iowa correctional institution for women, and the state~~

training school to shall take or procure the taking of the fingerprints, and, in the case of the penitentiary, men's reformatory, and Iowa correctional institution for women Iowa medical and classification center only, Bertillon photographs of any person received on commitment to their respective institutions, and to shall forward such fingerprint records and photographs within ten days after the same they are taken to the division of criminal investigation and bureau of identification, Iowa department of public safety, and to the federal bureau of investigation. Information obtained from fingerprint cards submitted pursuant to this section may be retained by the department of public safety as criminal history records. If a charge for a serious misdemeanor, aggravated misdemeanor, or felony is brought against a person already in the custody of a law enforcement of correctional agency and the charge is filed in a case separate from the case for which the person was previously arrested or confined, the agency shall take the fingerprints of the person in connection with the new case and submit them to the department of public safety.

The wardens and superintendents of all department of corrections' facilities shall procure the taking of a photograph showing a full-length view the facial features of each inmate of a state correctional institution in the inmate's release clothing immediately prior to the inmate's discharge from the institution either upon expiration of sentence or commitment or on parole, and shall forward the photograph within two days after it is taken. The photograph shall be placed in the inmate's file and shall be made available to the division of criminal investigation and bureau of identification, Iowa department of public safety upon request.

Sec. 3. NEW SECTION. 690.5 ADMINISTRATIVE SANCTIONS.

An agency subject to fingerprinting and disposition requirements under this chapter shall take all steps necessary

to ensure that all agency officials and employees understand the requirements and shall provide for and impose administrative sanctions, as appropriate, for failure to report as required.

If a criminal justice agency subject to fingerprinting and disposition requirements fails to comply with the requirements, the commissioner of public safety shall order that the agency's access to criminal history record information maintained by the repository be denied or restricted until the agency complies with the reporting requirements.

The state court administrator shall develop a policy to ensure that court personnel understand and comply with the fingerprinting and disposition requirements and shall also develop sanctions for court personnel who fail to comply with the requirements.

Sec. 4. Section 692.2, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. A person or the person's attorney but only with regard to the person's own criminal history data, subject to the identification and fee requirements of section 692.2, subsection 6, and section 692.5.

Sec. 5. Section 692.5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Any person or the person's attorney with written authorization and fingerprint identification shall have the right to examine and obtain a copy of criminal history data filed with the bureau department that refers to the person. The person or person's attorney shall present or mail to the department written authorization and the person's fingerprint identification. The department shall not copy the fingerprint identification and shall return or destroy the identification after the copy of the criminal history data is made. The bureau department may prescribe reasonable hours and places of examination.

Sec. 6. Section 692.15, Code 1993, is amended to read as follows:

692.15 REPORTS TO DEPARTMENT.

1. When If it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense has been committed in its jurisdiction, ~~it shall be the duty of~~ the law enforcement agency to shall report information concerning such ~~crimes~~ a public offense to the bureau department on a form to be furnished by the bureau department not more than thirty-five days from the time the crime public offense first comes to the attention of such the law enforcement agency. ~~These~~ The reports shall be used to generate crime statistics. The bureau department shall submit statistics to the governor, legislature the general assembly, and the division of criminal and juvenile justice planning of the department of human rights on a quarterly and yearly basis.

2. When If a sheriff, police department, or other law enforcement agency makes an arrest which is reported to the bureau department, the arresting law enforcement agency and any other law enforcement agency which obtains custody of the arrested person shall furnish a disposition report to the bureau whenever department if the arrested person is transferred to the custody of another law enforcement agency or is released without having a complaint or information filed with any court.

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 shall fill out a final disposition report on each arrest on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney in the county where the arrest occurred.

4. The county attorney of each county shall complete the final disposition report and submit it to the department within thirty days if a preliminary information or citation is

dismissed without a new charge being filed. If an indictment is returned or a county attorney's information is filed, the final disposition form shall be forwarded to the clerk of the district court of that county.

5. Whenever If a criminal complaint or information is filed in any court, the clerk shall furnish a disposition report of such the case.

6. ~~The Any~~ disposition report, ~~whether by a law enforcement agency or court,~~ shall be sent to the bureau department within thirty days after disposition on a form provided by the bureau department.

7. The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.

Sec. 7. Section 692.16, Code 1993, is amended to read as follows:

692.16 REVIEW AND REMOVAL.

At least every year the bureau shall review and determine current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after ~~five~~ four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

Sec. 8. Section 692.17, Code 1993, is amended to read as follows:

692.17 EXCLUSIONS -- PURPOSES.

Criminal history data in a computer data storage system shall not include arrest or disposition data after the person has been acquitted or the charges dismissed.

For the purposes of this section, "criminal history data" includes information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data set forth in section 692.1 and also includes the source documents of the information included in the criminal history data and fingerprint records.

Criminal history data may be collected for management or research purposes.

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HAROLD VAN MAANEN  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 263, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 11, 1993

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TERRY E. BRANSTAD  
Governor