

Reprinted

MAR 8 1995

JUDICIARY

HOUSE FILE 281

BY KREIMAN

Passed House, ^(P. 1060) Date 3-29-95 Passed Senate, Date _____
Vote: Ayes 96 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the radio-based communications system
2 transmission of communicable disease information relative to
3 persons being sought or assisted by certain persons in an
4 emergency situation and providing a penalty.

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

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HOUSE FILE 281

H-3383

1 Amend House File 281 as follows:

2 1. Page 2, line 32, by inserting after the word
3 "who" the following: "knowingly".

By COMMITTEE ON JUDICIARY
HURLEY of Fayette, Chairperson

H-3383 FILED MARCH 21, 1995

Adopted 3-29-95 (P. 1060)

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HF 281

1 Section 1. Section 80.9, subsection 2, paragraph d, Code
2 1995, is amended to read as follows:

3 d. To collect and classify, and keep at all times
4 available, complete information useful for the detection of
5 crime, and the identification and apprehension of criminals.
6 Such information shall be available for all peace officers
7 within the state, under such regulations as the commissioner
8 may prescribe. The provisions of chapter 141 do not apply to
9 the entry of human immunodeficiency virus-related information
10 by criminal justice agencies, as defined in section 692.1,
11 into the Iowa criminal justice information system or the
12 national crime information center system. The provisions of
13 chapter 141 also do not apply to the transmission of the same
14 information from either or both information systems to
15 criminal justice agencies. The provisions of chapter 141 also
16 do not apply to the transmission of the same information from
17 either or both information systems to employees of state
18 correctional institutions subject to the jurisdiction of the
19 department of corrections, employees of secure facilities for
20 juveniles subject to the jurisdiction of the department of
21 human services, and employees of city and county jails, if
22 those employees have direct physical supervision over inmates
23 of those facilities or institutions. Human Except as provided
24 in paragraph "e", as enacted in this Act, human
25 immunodeficiency virus-related information shall not be
26 transmitted over the police radio broadcasting system under
27 chapter 693 or any other radio-based communications system.
28 An employee of an agency receiving human immunodeficiency
29 virus-related information under this section who communicates
30 the information to another employee who does not have direct
31 physical supervision over inmates, other than to a supervisor
32 of an employee who has direct physical supervision over
33 inmates for the purpose of conveying the information to such
34 an employee, or who communicates the information to any person
35 not employed by the agency or uses the information outside the

1 agency is guilty of a class "D" felony. The commissioner
2 shall adopt rules regarding the transmission of human
3 immunodeficiency virus-related information including
4 provisions for maintaining confidentiality of the information.
5 The rules shall include a requirement that persons receiving
6 information from the Iowa criminal justice information system
7 or the national crime information center system receive
8 training regarding confidentiality standards applicable to the
9 information received from the system. The commissioner shall
10 develop and establish, in cooperation with the department of
11 corrections and the Iowa department of public health, training
12 programs and program criteria for persons receiving human
13 immunodeficiency virus-related information through the Iowa
14 criminal justice information system or the national crime
15 information center system.

16 Sec. 2. Section 80.9, subsection 2, Code 1995, is amended
17 by adding the following new paragraph after paragraph "d" and
18 relettering the subsequent paragraphs:

19 NEW PARAGRAPH. e. To develop a procedure for transmission
20 of information, over the police radio broadcasting system
21 under chapter 693 or any other radio-based communications
22 system, to a peace officer, a fire fighter, a basic emergency
23 medical care provider as defined in section 147.1, or an
24 advanced emergency medical care provider as defined in section
25 147A.1, who has direct contact with the public and who is
26 responding to an emergency situation, that a person being
27 sought or assisted is known to be infected with a communicable
28 disease. The information transmitted shall be provided in a
29 manner which does not identify the specific communicable
30 disease involved, but which cautions the recipient of the
31 transmission to take necessary precautions against transmis-
32 sion of a communicable disease. A person who transmits
33 information in a manner which is not in compliance with the
34 procedures established under this paragraph, or who is not
35 authorized to transmit or receive a transmission under this

1 paragraph, is guilty of a class "D" felony. The provisions of
2 chapter 141 do not apply to human immunodeficiency virus-
3 related information which is transmitted in compliance with
4 procedures established under this paragraph.

5 Sec. 3. Section 141.23, subsection 1, Code 1995, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. k. The person authorized to transmit the
8 information or the peace officer, fire fighter, basic
9 emergency medical care provider, or advanced emergency medical
10 care provider receiving the transmission pursuant to section
11 80.9, subsection 2, paragraph "e", as enacted in this Act.

12 EXPLANATION

13 This bill provides for the transmission of information over
14 a radio-based communications system that a person being sought
15 or assisted by a peace officer, a fire fighter, a basic
16 emergency care provider, or an advanced emergency medical care
17 provider, who is in direct contact with the public and who is
18 responding to an emergency situation, is infected with a
19 communicable disease. The bill requires the department of
20 public safety to develop procedures for the transmission of
21 this information in a manner which does not disclose the type
22 of communicable disease, but only cautions the recipient of
23 the information to take necessary precautions. The bill
24 establishes that a person who transmits the information in a
25 manner which does not comply with the procedures established
26 or who is not authorized to transmit or receive the
27 information is guilty of a class "D" felony. The bill also
28 provides for an exception to the confidentiality requirements
29 regarding the disclosure of human immunodeficiency virus-
30 related testing information for the purposes of the bill.

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S-3/30/95 Judiciary

HOUSE FILE 281
BY KREIMAN

(As Amended and Passed by the House March 29, 1995)

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

A BILL FOR

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House Amendments _____

1 Section 1. Section 80.9, subsection 2, paragraph d, Code
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4 available, complete information useful for the detection of
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6 Such information shall be available for all peace officers
7 within the state, under such regulations as the commissioner
8 may prescribe. The provisions of chapter 141 do not apply to
9 the entry of human immunodeficiency virus-related information
10 by criminal justice agencies, as defined in section 692.1,
11 into the Iowa criminal justice information system or the
12 national crime information center system. The provisions of
13 chapter 141 also do not apply to the transmission of the same
14 information from either or both information systems to
15 criminal justice agencies. The provisions of chapter 141 also
16 do not apply to the transmission of the same information from
17 either or both information systems to employees of state
18 correctional institutions subject to the jurisdiction of the
19 department of corrections, employees of secure facilities for
20 juveniles subject to the jurisdiction of the department of
21 human services, and employees of city and county jails, if
22 those employees have direct physical supervision over inmates
23 of those facilities or institutions. Human Except as provided
24 in paragraph "e", as enacted in this Act, human
25 immunodeficiency virus-related information shall not be
26 transmitted over the police radio broadcasting system under
27 chapter 693 or any other radio-based communications system.
28 An employee of an agency receiving human immunodeficiency
29 virus-related information under this section who communicates
30 the information to another employee who does not have direct
31 physical supervision over inmates, other than to a supervisor
32 of an employee who has direct physical supervision over
33 inmates for the purpose of conveying the information to such
34 an employee, or who communicates the information to any person
35 not employed by the agency or uses the information outside the

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3 immunodeficiency virus-related information including
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8 training regarding confidentiality standards applicable to the
9 information received from the system. The commissioner shall
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12 programs and program criteria for persons receiving human
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15 information center system.

16 Sec. 2. Section 80.9, subsection 2, Code 1995, is amended
17 by adding the following new paragraph after paragraph "d" and
18 relettering the subsequent paragraphs:

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20 of information, over the police radio broadcasting system
21 under chapter 693 or any other radio-based communications
22 system, to a peace officer, a fire fighter, a basic emergency
23 medical care provider as defined in section 147.1, or an
24 advanced emergency medical care provider as defined in section
25 147A.1, who has direct contact with the public and who is
26 responding to an emergency situation, that a person being
27 sought or assisted is known to be infected with a communicable
28 disease. The information transmitted shall be provided in a
29 manner which does not identify the specific communicable
30 disease involved, but which cautions the recipient of the
31 transmission to take necessary precautions against transmis-
32 sion of a communicable disease. A person who knowingly
33 transmits information in a manner which is not in compliance
34 with the procedures established under this paragraph, or who
35 is not authorized to transmit or receive a transmission under

1 this paragraph, is guilty of a class "D" felony. The
2 provisions of chapter 141 do not apply to human
3 immunodeficiency virus-related information which is
4 transmitted in compliance with procedures established under
5 this paragraph.

6 Sec. 3. Section 141.23, subsection 1, Code 1995, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. k. The person authorized to transmit the
9 information or the peace officer, fire fighter, basic
10 emergency medical care provider, or advanced emergency medical
11 care provider receiving the transmission pursuant to section
12 80.9, subsection 2, paragraph "e", as enacted in this Act.

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