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JUDICIARY

HOUSE FILE 64
BY KREIMAN and BELL

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

A BILL FOR

1 An Act providing for 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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1 Section 1. Section 80.9, subsection 2, paragraph d, Code
2 1997, 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 or juvenile justice agencies, as defined in
11 section 692.1, into the Iowa criminal justice information
12 system or the national crime information center system. The
13 provisions of chapter 141 also do not apply to the
14 transmission of the same information from either or both
15 information systems to criminal or juvenile justice agencies.
16 The provisions of chapter 141 also do not apply to the
17 transmission of the same information from either or both
18 information systems to employees of state correctional
19 institutions subject to the jurisdiction of the department of
20 corrections, employees of secure facilities for juveniles
21 subject to the jurisdiction of the department of human
22 services, and employees of city and county jails, if those
23 employees have direct physical supervision over inmates of
24 those facilities or institutions. Human Except as provided in
25 paragraph "e", as enacted in this Act, human immunodeficiency
26 virus-related information shall not be transmitted over the
27 police radio broadcasting system under chapter 693 or any
28 other radio-based communications system. An employee of an
29 agency receiving human immunodeficiency virus-related
30 information under this section paragraph who communicates the
31 information to another employee who does not have direct
32 physical supervision over inmates, other than to a supervisor
33 of an employee who has direct physical supervision over
34 inmates for the purpose of conveying the information to such
35 an employee, or who communicates the information to any person

1 not employed by the agency or uses the information outside the
2 agency is guilty of a class "D" felony. The commissioner
3 shall adopt rules regarding the transmission of human
4 immunodeficiency virus-related information including
5 provisions for maintaining confidentiality of the information.
6 The rules shall include a requirement that persons receiving
7 information from the Iowa criminal justice information system
8 or the national crime information center system receive
9 training regarding confidentiality standards applicable to the
10 information received from the system. The commissioner shall
11 develop and establish, in cooperation with the department of
12 corrections and the Iowa department of public health, training
13 programs and program criteria for persons receiving human
14 immunodeficiency virus-related information through the Iowa
15 criminal justice information system or the national crime
16 information center system.

17 Sec. 2. Section 80.9, subsection 2, Code 1997, is amended
18 by adding the following new paragraph after paragraph d and
19 relettering the subsequent paragraphs:

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

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

7 Sec. 3. Section 141.23, subsection 1, Code 1997, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. 1. The person authorized to transmit the
10 information or the peace officer, fire fighter, or emergency
11 medical care provider receiving the transmission pursuant to
12 section 80.9, subsection 2, paragraph "e", as enacted in this
13 Act.

14 EXPLANATION

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

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