

3/20/02 Rereferred To: Judiciary

FEB 26 2002  
Place On Calendar

HOUSE FILE 2551  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2122)

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

**A BILL FOR**

1 An Act concerning examination of information about closed  
2 sessions of a governmental body by members of the governmental  
3 body.

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

**HOUSE FILE 2551**

**H-8202**

1 Amend House File 2551 as follows:  
2 1. Page 1, line 9, by striking the words "a  
3 governmental body" and inserting the following: "the  
4 governmental body that held the closed session".

**By** SHEY of Linn

**H-8202** FILED MARCH 6, 2002

HF 2551

1 Section 1. Section 21.5, subsection 4, Code 2001, is  
2 amended to read as follows:  
3 4. A governmental body shall keep detailed minutes of all  
4 discussion, persons present, and action occurring at a closed  
5 session, and shall also tape record all of the closed session.  
6 The Except as provided in this subsection, the detailed  
7 minutes and tape recording of a closed session shall be sealed  
8 and shall not be public records open to public inspection. A  
9 member of a governmental body may examine the detailed minutes  
10 and tape recording of a closed session of the governmental  
11 body upon request. However In addition, upon order of the  
12 court in an action to enforce this chapter, the detailed  
13 minutes and tape recording shall be unsealed and examined by  
14 the court in camera. The court shall then determine what  
15 part, if any, of the minutes should be disclosed to the party  
16 seeking enforcement of this chapter for use in that  
17 enforcement proceeding. In determining whether any portion of  
18 the minutes or recording shall be disclosed to such a party  
19 for this purpose, the court shall weigh the prejudicial  
20 effects to the public interest of the disclosure of any  
21 portion of the minutes or recording in question, against its  
22 probative value as evidence in an enforcement proceeding.  
23 After such a determination, the court may permit inspection  
24 and use of all or portions of the detailed minutes and tape  
25 recording by the party seeking enforcement of this chapter. A  
26 governmental body shall keep the detailed minutes and tape  
27 recording of any closed session for a period of at least one  
28 year from the date of that meeting.

29 EXPLANATION

30 This bill provides that members of a governmental body that  
31 holds a closed session of a meeting of that body can examine  
32 the detailed minutes and tape recording of the closed session  
33 upon request.

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