

Senate Study Bill 1079

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

A BILL FOR

1 An Act relating to intelligence data and intelligence assessment
2 dissemination to an agency, organization, or person.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1066DP 80
5 jm/sh/8

PAG LIN

1 1 Section 1. Section 692.1, Code 2003, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 12A. "Intelligence assessment" means an
1 4 analysis of information based in whole or in part upon
1 5 intelligence data.
1 6 Sec. 2. Section 692.8, unnumbered paragraph 2, Code 2003,
1 7 is amended to read as follows:
1 8 Intelligence data in the files of the department may be
1 9 disseminated only to a peace officer, criminal or juvenile
1 10 justice agency, or state or federal regulatory agency, and
1 11 only if the department is satisfied that the need to know and
1 12 the intended use are reasonable. However, intelligence data
1 13 may also be disseminated to an agency, organization, or person
1 14 in order to protect a person or property from a threat of
1 15 imminent harm. Whenever intelligence data relating to a
1 16 defendant or juvenile who is the subject of a petition under
1 17 section 232.35 for the purpose of sentencing or adjudication
1 18 has been provided a court, the court shall inform the
1 19 defendant or juvenile or the defendant's or juvenile's
1 20 attorney that it is in possession of such data and shall, upon
1 21 request of the defendant or juvenile or the defendant's or
1 22 juvenile's attorney, permit examination of such data.
1 23 Sec. 3. Section 692.8A, Code 2003, is amended to read as
1 24 follows:
1 25 692.8A ~~REDISSEMINATION~~ DISSEMINATION OF INTELLIGENCE DATA.
1 26 1. A criminal or juvenile justice agency, state or federal
1 27 regulatory agency, or a peace officer shall not disseminate
1 28 intelligence data, which has been received from the department
1 29 or bureau or from any other source, outside the agency or the
1 30 peace officer's agency unless all of the following apply:
1 31 ~~1- a.~~ The intelligence data is for official purposes in
1 32 connection with prescribed duties of a criminal or juvenile
1 33 justice agency.
1 34 ~~2- b.~~ The agency maintains a list of the agencies,
1 35 organizations, and persons receiving the intelligence data and
2 1 the date and purpose of the dissemination.
2 2 ~~3- c.~~ The request for intelligence data is based upon
2 3 name, fingerprints, or other individually identified
2 4 characteristics. The agency disseminating the intelligence data
2 5 is satisfied that the need to know and the intended use are
2 6 reasonable.
2 7 ~~d.~~ The agency disseminating the intelligence data does so
2 8 in order to protect a person or property from a threat of
2 9 imminent harm.
2 10 2. An agency, organization, or person receiving
2 11 intelligence data from a criminal or juvenile justice agency,
2 12 state or federal regulatory agency, or a peace officer
2 13 pursuant to this chapter may only redisseminate the
2 14 intelligence data if authorized by the agency or peace officer
2 15 providing the data. A criminal or juvenile justice agency,
2 16 state or federal regulatory agency, or a peace officer who
2 17 disseminates intelligence data pursuant to this chapter may
2 18 limit the type of data released in order to protect the
2 19 intelligence methods and sources used to gather the data, and
2 20 may also place restrictions on the redissemination by the
2 21 agency, organization, or person receiving the intelligence
2 22 data. An agency, organization, or person receiving
2 23 intelligence data is also subject to the provisions of this

~~2 24 chapter and shall comply with any administrative rules adopted~~
~~2 25 pursuant to this chapter.~~

~~2 26 3. This section shall not be construed to prohibit the~~
~~2 27 dissemination of an intelligence assessment to any agency or~~
~~2 28 organization if necessary for carrying out the official duties~~
~~2 29 of the agency or organization, or to a person if necessary to~~
~~2 30 protect a person or property from a threat of imminent harm.~~

2 31 Sec. 4. Section 692.18, unnumbered paragraph 2, Code 2003,
2 32 is amended to read as follows:

~~2 33 Intelligence data in the possession of the department or~~
~~2 34 bureau, a criminal or juvenile justice agency, state or~~
~~2 35 federal regulatory agency, or peace officer or disseminated by~~
3 1 ~~the department or bureau such agency or peace officer,~~ are not
3 2 public records within the provisions of chapter 22.

3 3 EXPLANATION

3 4 This bill relates to intelligence data and intelligence
3 5 assessment dissemination to an agency, organization, or
3 6 person.

3 7 The bill provides that intelligence data in the files of
3 8 the department of public safety may be disseminated to an
3 9 agency, organization, or person in order to protect a person
3 10 or property from a threat of imminent harm. Current law
3 11 provides that intelligence data may only be disseminated to a
3 12 peace officer, criminal or juvenile justice agency, or state
3 13 or federal regulatory agency if the department is satisfied
3 14 that the need to know data and its intended use are
3 15 reasonable. Code section 692.1(13) defines "intelligence
3 16 data" to mean information on identifiable individuals compiled
3 17 in an effort to anticipate, prevent, or monitor possible
3 18 criminal activity.

3 19 The bill provides that a peace officer, criminal or
3 20 juvenile justice agency, or state or federal regulatory agency
3 21 that receives intelligence data from the department may
3 22 redisseminate that intelligence data to an agency,
3 23 organization, or person in order to protect a person or
3 24 property from a threat of imminent harm if the agency
3 25 disseminating the data is satisfied the need to know the data
3 26 and its intended use are reasonable. The bill and current law
3 27 also provide that the agency may only redisseminate the data
3 28 if it is for official purposes, and the agency maintains a
3 29 list of the agencies, organizations, or persons receiving such
3 30 data. The bill provides that the type of intelligence data
3 31 redisseminated to an agency, organization, or person may be
3 32 limited in order to protect intelligence methods and sources
3 33 used to gather the data, and that the agency, organization, or
3 34 person receiving such data must abide by any provisions or
3 35 administrative rules governing the release of intelligence
4 1 data.

4 2 The bill provides that an intelligence assessment may be
4 3 disseminated to an agency or organization if necessary for
4 4 carrying out the official duties of the agency or
4 5 organization, or to a person in order to protect a person or
4 6 property from a threat of imminent harm. The bill defines
4 7 "intelligence assessment" to mean an analysis of information
4 8 based in whole or in part upon intelligence data.

4 9 The bill also provides that intelligence data in the
4 10 possession of a criminal or juvenile justice agency, state or
4 11 federal regulatory agency, or peace officer, or disseminated
4 12 by such agency or peace officer, are not public records
4 13 pursuant to Code chapter 22.

4 14 LSB 1066DP 80

4 15 jm/sh/8