

# Senate Study Bill 1151

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CITIZENS'  
AIDE/OMBUDSMAN BILL)

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

## A BILL FOR

1 An Act providing the release of confidential information relating  
2 to persons committed to the custody of the department of  
3 corrections, or placed with a judicial district department of  
4 correctional services.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1284DP 81  
7 jm/sh/8

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1 1 Section 1. Section 904.602, subsection 3, Code 2005, is  
1 2 amended to read as follows:  
1 3 3. ~~Information Except as otherwise provided in this~~  
1 4 ~~section, information~~ identified in subsection 2 shall not be  
1 5 disclosed or used by any person or agency except for purposes  
1 6 of the administration of the department's programs of services  
1 7 or assistance and shall not, ~~except as otherwise provided in~~  
1 8 ~~this section~~, be disclosed by the department or be used by  
1 9 persons or agencies outside the department unless they are  
1 10 subject to, or agree to, comply with standards of  
1 11 confidentiality comparable to those imposed on the department  
1 12 by this section.

1 13 Sec. 2. Section 904.602, subsection 6, Code 2005, is  
1 14 amended to read as follows:

1 15 6. Confidential information described in subsection 2 may  
1 16 be disclosed to public officials for use in connection with  
1 17 their official duties relating to law enforcement, audits and  
1 18 other purposes directly connected with the administration of  
1 19 their programs. Confidential information described in  
1 20 subsection 2 shall be disclosed to the governor or a committee  
1 21 of the general assembly upon the request of the governor or  
1 22 committee of the general assembly, or may be disclosed to the  
1 23 governor or a committee of the general assembly in a report  
1 24 prepared by a public official or entity with authority to  
1 25 review matters concerning the operation or administration of  
1 26 programs or services of the department. Full disclosure by  
1 27 the department of any information on an individual may be made  
1 28 to the board of parole and to judicial district departments of  
1 29 correctional services created under chapter 905, and the board  
1 30 and those departments are subject to the same standards as the  
1 31 department in dissemination or redissemination of information  
1 32 on persons served or supervised by those departments, and all  
1 33 provisions of this section pertain to the board of parole and  
1 34 to the judicial district departments as if they were a part of  
1 35 the department. Information may be disseminated about  
2 1 individuals while under the supervision of the department to  
2 2 public or private agencies to which persons served or  
2 3 supervised by the department are referred for specific  
2 4 services not otherwise provided by the department but only to  
2 5 the extent that the information is needed by those agencies to  
2 6 provide the services required, and they shall keep information  
2 7 received from the department confidential.

2 8 Sec. 3. Section 904.602, subsection 11, Code 2005, is  
2 9 amended by striking the subsection and inserting in lieu  
2 10 thereof the following:

2 11 11. The director may release to the general public any  
2 12 confidential information identified in subsection 2 if the  
2 13 director believes the release of the information would  
2 14 maintain or encourage public confidence in the correctional  
2 15 system, or the release of such information would promote

2 16 public safety and protect the public welfare. This subsection  
2 17 does not apply to any information deemed confidential under  
2 18 any other state or federal law.  
2 19 Sec. 4. Section 904.602, Code 2005, is amended by adding  
2 20 the following new subsection:  
2 21 NEW SUBSECTION. 13. A violation of this section is a  
2 22 serious misdemeanor.

2 23 EXPLANATION

2 24 This bill provides for the release of confidential  
2 25 information relating to persons committed to the custody of  
2 26 the department of corrections, or placed with a judicial  
2 27 district department of correctional services.

2 28 The bill provides that upon request by the governor or a  
2 29 committee of the general assembly confidential records  
2 30 identified in Code section 904.602, subsection 2, shall be  
2 31 disclosed to the governor or to a committee of the general  
2 32 assembly. The bill also provides such information may be  
2 33 disclosed to the governor or to a committee of the general  
2 34 assembly in a report prepared by a public official or entity  
2 35 with authority to review matters concerning the operation or  
3 1 administration of the department.

3 2 Under the bill, the director of the department of  
3 3 corrections may release confidential records identified in  
3 4 Code section 904.602, subsection 2, if the director believes  
3 5 the release of the information would maintain or encourage  
3 6 public confidence in the correctional system, or such a  
3 7 release of information would promote public safety and protect  
3 8 the public welfare. The public release of public information  
3 9 by the director does not apply to any information deemed  
3 10 confidential under any other state or federal law.

3 11 The criminal penalty in new Code section 904.602,  
3 12 subsection 13, was moved from Code section 904.602, subsection  
3 13 11, to enhance the readability of the overall Code section.  
3 14 LSB 1284DP 81  
3 15 jm:rj/sh/8.1