

**House File 231 - Introduced**

HOUSE FILE 231

BY WILLEMS

**A BILL FOR**

1 An Act relating to public access to audio recordings of 911  
2 telephone calls.

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

1 Section 1. Section 22.7, subsection 5, Code 2011, is amended  
2 to read as follows:

3 5. Peace officers' investigative reports, and specific  
4 portions of electronic mail and telephone billing records of  
5 law enforcement agencies if that information is part of an  
6 ongoing investigation, except where disclosure is authorized  
7 elsewhere in this Code. However, the date, time, specific  
8 location, and immediate facts and circumstances surrounding a  
9 crime or incident shall not be kept confidential under this  
10 section, except in those unusual circumstances where disclosure  
11 would plainly and seriously jeopardize an investigation or pose  
12 a clear and present danger to the safety of an individual.  
13 An audio recording received by an emergency 911 notification  
14 device, as defined in section 34A.2, that conveys the date,  
15 time, specific location, or immediate facts or circumstances  
16 surrounding a crime or incident, and is otherwise not  
17 considered confidential under this section, shall be kept  
18 confidential but a written transcript of the audio recording  
19 shall not be kept confidential. To the extent that a 911  
20 audio recording may convey the date, time, specific location,  
21 and immediate facts and circumstances surrounding a crime or  
22 incident, and otherwise be considered not confidential under  
23 this section, only a written transcript of the audio recording  
24 shall be considered a public record. Specific portions of  
25 electronic mail and telephone billing records may only be  
26 kept confidential under this subsection if the length of time  
27 prescribed for commencement of prosecution or the finding of  
28 an indictment or information under the statute of limitations  
29 applicable to the crime that is under investigation has not  
30 expired.

31 Sec. 2. Section 22.7, subsection 18, paragraph c, Code 2011,  
32 is amended to read as follows:

33 c. Information contained in the communication is a public  
34 record to the extent that it indicates the date, time, specific  
35 location, and immediate facts and circumstances surrounding

1 the occurrence of a crime or other illegal act, except to  
2 the extent that its disclosure would plainly and seriously  
3 jeopardize a continuing investigation or pose a clear and  
4 present danger to the safety of any person. An audio recording  
5 received by an emergency 911 notification device, as defined  
6 in section 34A.2, that conveys the date, time, specific  
7 location, or immediate facts or circumstances surrounding  
8 a crime or incident, and is otherwise not considered  
9 confidential under this section, shall be kept confidential  
10 but a written transcript of the audio recording shall not be  
11 kept confidential. To the extent that a 911 audio recording  
12 may convey the date, time, specific location, and immediate  
13 facts and circumstances surrounding a crime or other illegal  
14 act, and otherwise be considered not confidential under this  
15 section, only a written transcript of the audio recording shall  
16 be considered a public record. In any action challenging the  
17 failure of the lawful custodian to disclose any particular  
18 information of the kind enumerated in this paragraph, the  
19 burden of proof is on the lawful custodian to demonstrate that  
20 the disclosure of that information would jeopardize such an  
21 investigation or would pose such a clear and present danger.

22 EXPLANATION

23 This bill relates to provisions currently contained in Code  
24 section 22.7, dealing with confidential public records.

25 Code section 22.7, subsection 5, provides that peace  
26 officers' investigative reports, and specific portions  
27 of electronic mail and telephone billing records of law  
28 enforcement agencies are to be regarded as confidential if  
29 that information is part of an ongoing investigation unless  
30 disclosure is authorized elsewhere in the Code. There is  
31 an exception providing for public access to the disclosure  
32 of the date, time, specific location, and immediate facts  
33 and circumstances surrounding a crime or incident except  
34 where disclosure would plainly and seriously jeopardize an  
35 investigation or pose a clear and present danger to the safety

1 of an individual.

2 Similarly, Code section 22.7, subsection 18, confers  
3 confidential status on communications not required by law,  
4 rule, procedure, or contract made to a government body or  
5 to any of its employees by identified persons outside of  
6 government, to the extent that the government body receiving  
7 those communications from such persons outside of government  
8 could reasonably believe that those persons would be  
9 discouraged from making them to that government body if they  
10 were available for general public examination. Exceptions  
11 providing for public access include information conveying  
12 the date, time, specific location, and immediate facts and  
13 circumstances surrounding the occurrence of a crime or other  
14 illegal act, except to the extent that its disclosure would  
15 plainly and seriously jeopardize a continuing investigation or  
16 pose a clear and present danger to the safety of any person.

17 In both instances, the bill provides that an audio  
18 recording received by an emergency 911 notification device,  
19 as defined in Code section 34A.2, that conveys the date,  
20 time, specific location, or immediate facts or circumstances  
21 surrounding a crime or incident, and is otherwise not  
22 considered confidential, shall be kept confidential but a  
23 written transcript of the audio recording shall not be kept  
24 confidential.