

Senate File 2074 - Introduced

SENATE FILE 2074

BY BRASE

A BILL FOR

1 An Act relating to public access to audio recordings of
2 enhanced 911 service calls.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 5, Code 2014, 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. An
13 audio recording of an enhanced 911 service call received by a
14 public safety answering point, as defined in section 34A.2,
15 that conveys the date, time, specific location, or immediate
16 facts or circumstances surrounding a crime or incident, and
17 is otherwise not considered confidential under this section,
18 shall be kept confidential but a written transcript of the
19 audio recording shall not be kept confidential. To the extent
20 that an enhanced 911 service call audio recording may convey
21 the date, time, specific location, and immediate facts and
22 circumstances surrounding a crime or incident, and otherwise be
23 considered not confidential under this section, only a written
24 transcript of the audio recording shall be considered a public
25 record. Specific portions of electronic mail and telephone
26 billing records may only be kept confidential under this
27 subsection if the length of time prescribed for commencement
28 of prosecution or the finding of an indictment or information
29 under the statute of limitations applicable to the crime that
30 is under investigation has not expired.

31 Sec. 2. Section 22.7, subsection 18, paragraph c, Code 2014,
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 of an enhanced 911 service call received by a public safety
6 answering point, as defined in section 34A.2, that conveys
7 the date, time, specific location, or immediate facts or
8 circumstances surrounding a crime or incident, and is otherwise
9 not considered confidential under this section, shall be kept
10 confidential but a written transcript of the audio recording
11 shall not be kept confidential. To the extent that an enhanced
12 911 service call audio recording may convey the date, time,
13 specific location, and immediate facts and circumstances
14 surrounding a crime or other illegal act, and otherwise be
15 considered not confidential under this section, only a written
16 transcript of the audio recording shall be considered a public
17 record. In any action challenging the failure of the lawful
18 custodian to disclose any particular information of the kind
19 enumerated in this paragraph, the burden of proof is on the
20 lawful custodian to demonstrate that the disclosure of that
21 information would jeopardize such an investigation or would
22 pose such a clear and present danger.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

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

28 Code section 22.7, subsection 5, provides that peace
29 officers' investigative reports, and specific portions
30 of electronic mail and telephone billing records of law
31 enforcement agencies are to be regarded as confidential if
32 that information is part of an ongoing investigation unless
33 disclosure is authorized elsewhere in the Code. There is
34 an exception providing for public access to the disclosure
35 of the date, time, specific location, and immediate facts

1 and circumstances surrounding a crime or incident except
2 where disclosure would plainly and seriously jeopardize an
3 investigation or pose a clear and present danger to the safety
4 of an individual.

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

20 In both instances, the bill provides that an enhanced 911
21 audio recording received by a public safety answering point,
22 as defined in Code section 34A.2, that conveys the date,
23 time, specific location, or immediate facts or circumstances
24 surrounding a crime or incident, and is otherwise not
25 considered confidential, shall be kept confidential but a
26 written transcript of the audio recording shall not be kept
27 confidential.