

Senate Study Bill 3113 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CULTURAL AFFAIRS BILL)

A BILL FOR

1 An Act relating to the inspection and examination of certain
2 public records under the custody of the state archivist.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 22.16 Inspection of records —
2 state archives.

3 1. Notwithstanding any provision of law to the contrary,
4 a public record that is an archive, as defined in section
5 305.2, shall be available for public examination and copying
6 under this chapter if the public record was created at least
7 one hundred years prior to a request for access to the record,
8 subject to the requirements of this section.

9 2. A public record as described in this section shall not
10 be available for examination and copying under any of the
11 following circumstances:

12 a. The public record is ordered to be sealed and is not
13 subject to inspection by any federal or state court.

14 b. The public record is prohibited from being disclosed
15 under any federal law, rule, or regulation.

16 Sec. 2. Section 144.43, subsection 3, Code 2018, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. e. A record of death that is a fetal death
19 in the custody of the state archivist.

20 EXPLANATION

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

23 This bill concerns certain public records under the custody
24 of the state archives.

25 New Code section 22.16 allows for the examination and
26 copying of a public record that is an archive as defined in
27 Code section 305.2 that was created at least 100 years prior to
28 the request. The bill provides that a public record meeting
29 the requirements for examination and copying shall not be made
30 available if the public record is ordered to be sealed and is
31 not subject to inspection by any federal or state court or is
32 otherwise prohibited from being disclosed under any federal
33 law, rule, or regulation.

34 Code section 144.43, concerning vital records, is amended
35 to provide that a record of death that is a fetal death may

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1 be inspected if the record is in the custody of the state
2 archivist and is at least 75 years old. Current law only
3 allows the state archivist to release a record of death in the
4 custody of the state archivist if the death was not a fetal
5 death and is at least 75 years old.