

House Study Bill 143 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to the confidentiality of information filed
2 with the court used to secure an arrest warrant.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.29, subsection 2, Code 2019, is
2 amended to read as follows:

3 2. However, during the period of confidentiality
4 in subsection 1, the information in the record may be
5 disseminated, without court order, during the course of
6 official duties to the following persons unless dissemination
7 is expressly restricted by court order:

8 a. A peace officer, or any other employee of a law
9 enforcement agency if allowed access pursuant to section 692.14
10 and if authorized in writing by the head of the agency.

11 b. An employee of the county attorney's office.

12 c. A judicial officer or other court employees.

13 d. An employee of the department of corrections or judicial
14 district department of correctional services, if authorized by
15 the director of the department of corrections.

16 e. A private attorney appearing on behalf of the defendant
17 or an attorney appointed by the court to represent the
18 defendant.

19 EXPLANATION

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

22 This bill relates to the confidentiality of information
23 filed with the court used to secure an arrest warrant.

24 Current law specifies that information filed with the court
25 used to secure an arrest warrant shall be confidential until a
26 peace officer has made the arrest and has made the officer's
27 return on the warrant, or the defendant has made an initial
28 appearance in court, unless otherwise ordered by the court.
29 During the period of confidentiality, the information in the
30 record can be disseminated, without court order, to certain
31 listed individuals during the course of their official duties.

32 The bill provides that access to the confidential records
33 can be expressly restricted by court order.

34 The bill adds a private attorney appearing on behalf
35 of the defendant or an attorney appointed by the court to

S.F. _____ H.F. _____

1 represent the defendant to the list of individuals to whom
2 information filed with the court for the purpose of securing
3 a warrant for an arrest may be disseminated during the period
4 of confidentiality, without court order, during the course of
5 their official duties.