

House Study Bill 115 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

1 An Act relating to judicial officer, prosecuting attorney,
2 and peace officer personal information under the control
3 of local officials, providing penalties, and including
4 effective date provisions.

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

1 Section 1. NEW SECTION. 331.911 Request to limit public
2 access to certain judicial officer, prosecuting attorney, and
3 peace officer personal information — internet sites.

4 1. Notwithstanding chapter 22, a currently active or
5 retired state or local judicial officer, as defined in section
6 4.1, a currently active or retired state or local prosecuting
7 attorney or peace officer, as those terms are defined in
8 section 801.4, or a spouse or child of such a person, may file
9 a written request with a local official on a form prescribed by
10 the department of public safety, in consultation with the Iowa
11 county recorders association and the Iowa state association of
12 assessors, to prohibit the general public from accessing, on an
13 internet site maintained by the local official, the judicial
14 officer's, prosecuting attorney's, or peace officer's name,
15 including the name of a spouse or child, residential address,
16 and telephone number, as identified by the judicial officer,
17 prosecuting attorney, peace officer, spouse, or child, that are
18 contained in instruments, books, records, indexes, and other
19 information under the authority of the local official.

20 2. Within fifteen days of receiving the request, the local
21 official shall ensure that the information identified under
22 subsection 1 does not appear in search results on an internet
23 site maintained by the local official.

24 3. A local official who knowingly releases or publicizes the
25 name, residential address, or telephone number of a person who
26 has had information removed from an internet site maintained
27 by the local official pursuant to this section is guilty of an
28 aggravated misdemeanor.

29 4. a. A person identified in subsection 1 who is injured
30 as a result of a violation of this section may bring a civil
31 action in the district court of the county in which the
32 violation occurred for any of the following remedies:

33 (1) A declaratory judgment.

34 (2) Injunctive relief.

35 (3) Actual, incidental, and consequential damages.

1 (4) Other equitable relief which the court deems
2 appropriate.

3 b. The prevailing party in an action brought under this
4 subsection shall be awarded all costs of such litigation
5 including reasonable attorney fees.

6 5. For purposes of this section, "local official" means a
7 county auditor, county treasurer, county recorder, or local
8 assessor.

9 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
10 3, shall not apply to this Act.

11 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
12 importance, takes effect upon enactment.

13 EXPLANATION

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

16 This bill relates to judicial officer, prosecuting attorney,
17 and peace officer personal information under the control of
18 local officials, including a county auditor, county treasurer,
19 county recorder, or local assessor.

20 The bill provides that a currently active or retired state
21 or local judicial officer, a currently active or retired state
22 or local prosecuting attorney or peace officer, or a spouse or
23 child of such a person, may file a written request with a local
24 official to prohibit the general public from accessing, on an
25 internet site maintained by the local official, the judicial
26 officer's, prosecuting attorney's, or peace officer's name,
27 including the name of a spouse or child, residential address,
28 and telephone number, contained in instruments, books, records,
29 indexes, and other information under the authority of the local
30 official. Within 15 days of receiving the request, the local
31 official shall ensure that the information does not appear in
32 search results on an internet site maintained by the local
33 official.

34 The bill provides a local official who knowingly releases
35 or publicizes the name, residential address, or telephone

1 number of a person who has had information removed from an
2 internet site maintained by the local official is guilty of
3 an aggravated misdemeanor. An aggravated misdemeanor is
4 punishable by confinement for no more than two years and a
5 fine of at least \$855 but not more than \$8,540. A person who
6 is injured as a result of a violation of the bill may bring
7 a civil action seeking a declaratory judgment; injunctive
8 relief; actual, incidental, and consequential damages; and
9 other equitable relief which the court deems appropriate. The
10 prevailing party in the action shall be awarded all costs of
11 such litigation including reasonable attorney fees.

12 The bill may include a state mandate as defined in Code
13 section 25B.3. The bill makes inapplicable Code section 25B.2,
14 subsection 3, which would relieve a political subdivision from
15 complying with a state mandate if funding for the cost of
16 the state mandate is not provided or specified. Therefore,
17 political subdivisions are required to comply with any state
18 mandate included in the bill.

19 The bill takes effect upon enactment.