

Senate Study Bill 1106 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA PUBLIC
INFORMATION BOARD BILL)

A BILL FOR

1 An Act relating to the confidentiality of certain law
2 enforcement reports, records, and information under Iowa's
3 open records law.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 5, Code 2021, is amended
2 to read as follows:

3 5. a. (1) Peace officers' investigative reports,
4 ~~privileged records or information specified in [section 80G.2](#),~~
5 ~~and specific portions of electronic mail and telephone billing~~
6 ~~records of law enforcement agencies if that information is~~
7 ~~part of an ongoing investigation,~~ except where disclosure is
8 authorized elsewhere in this Code. However, the date, time,
9 specific location, and immediate facts and circumstances
10 surrounding a crime or incident shall not be kept confidential
11 under this ~~section~~ subsection, except in those unusual
12 circumstances where disclosure would plainly and seriously
13 jeopardize an investigation or pose a clear and present danger
14 to the safety of an individual.

15 (2) For purposes of this paragraph, "immediate facts and
16 circumstances surrounding a crime or incident" include but are
17 not limited to the following:

18 (a) The identity of any individual arrested in connection
19 with the crime or incident.

20 (b) The identity of any individual believed to be
21 responsible for the crime or incident if such disclosure would
22 not reasonably frustrate attempts to apprehend the individual.

23 (c) The identity of any victim of the crime or incident,
24 if such information is not otherwise protected by law or court
25 order.

26 (d) Any criminal charges filed in connection with the crime
27 or incident.

28 (e) Booking photographs from any arrests that occurred in
29 connection with the crime or incident.

30 (f) A concise description of the facts of the crime or
31 incident sufficient to reveal the probable cause for any
32 arrests that occurred in connection with the crime or incident.

33 (g) Any contemporaneous audio or video recordings of the
34 crime or incident.

35 b. Specific portions of electronic mail and telephone

1 billing records of law enforcement agencies may ~~only~~ be kept
2 confidential under this subsection if that information is part
3 of an ongoing investigation or if the length of time prescribed
4 for commencement of prosecution or the finding of an indictment
5 or information under the statute of limitations applicable to
6 the crime that is under investigation has not expired.

7 EXPLANATION

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

10 This bill relates to the confidentiality of certain law
11 enforcement reports, records, and information under Iowa's open
12 records law.

13 Current Code section 22.7(5) provides that peace officers'
14 investigative reports, privileged records or information
15 specified in Code section 80G.2 (providing that a law
16 enforcement officer shall not be examined or be required to
17 give evidence in any criminal proceeding regarding certain
18 records and information which are confidential and privileged),
19 and specific portions of electronic mail and telephone billing
20 records of law enforcement agencies if that information is part
21 of an ongoing investigation, shall be kept confidential unless
22 otherwise ordered by a court, by the lawful custodian of the
23 record, or by another authorized person, or where disclosure
24 is authorized elsewhere in Iowa law. However, the date, time,
25 specific location, and immediate facts and circumstances
26 surrounding a crime or incident shall not be kept confidential
27 except in those unusual circumstances where disclosure would
28 plainly and seriously jeopardize an investigation or pose
29 a clear and present danger to the safety of an individual.
30 Specific portions of electronic mail and telephone billing
31 records may only be kept confidential if the length of time
32 prescribed for commencement of prosecution or the finding of
33 an indictment or information under the statute of limitations
34 applicable to the crime that is under investigation has not
35 expired.

1 The bill amends Code section 22.7(5) to provide that peace
2 officers' investigative reports shall be kept confidential
3 unless otherwise ordered by a court, by the lawful custodian of
4 the record, or by another authorized person, or except where
5 disclosure is authorized elsewhere in the Code, and removes the
6 reference to Code section 80G.2.

7 The bill retains current law allowing the release of
8 the date, time, specific location, and immediate facts and
9 circumstances surrounding a crime or incident, and specifies
10 that the "immediate facts and circumstances surrounding a crime
11 or incident" include but are not limited to: the identity
12 of any individual arrested in connection with the crime
13 or incident; the identity of any individual believed to be
14 responsible for the crime or incident if such disclosure would
15 not reasonably frustrate attempts to apprehend the individual;
16 the identity of any victim of the crime or incident, if such
17 information is not otherwise protected by law or court order;
18 any criminal charges filed in connection with the crime or
19 incident; booking photographs from any arrests that occurred in
20 connection with the crime or incident; a concise description
21 of the facts of the crime or incident sufficient to reveal the
22 probable cause for any arrests that occurred in connection with
23 the crime or incident; and any contemporaneous audio or video
24 recordings of the crime or incident.

25 The bill retains current law which provides that specific
26 portions of electronic mail and telephone billing records of
27 law enforcement agencies may be kept confidential if that
28 information is part of an ongoing investigation or if the
29 length of time prescribed for commencement of prosecution
30 or the finding of an indictment or information under the
31 statute of limitations applicable to the crime that is under
32 investigation has not expired.