

House File 501 - Introduced

HOUSE FILE 501

BY JONES

A BILL FOR

1 An Act relating to the preservation of biological evidence
2 collected in relation to a criminal investigation, testimony
3 by an incarcerated witness, and postconviction access to
4 investigative files in a criminal case.

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

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DIVISION I

PRESERVATION OF BIOLOGICAL EVIDENCE IN CRIMINAL INVESTIGATIONS

Section 1. Section 81.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *“Agency”* means any governmental or public entity within the state and its officials or employees including but not limited to law enforcement agencies, county attorney offices, courts, public hospitals, the state criminalistics laboratory or similar qualified laboratory, and any other entity or individual charged with the collection, storage, or retrieval of biological evidence.

NEW SUBSECTION. 1A. *“Biological evidence”* means any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or other identifiable biological material that was collected as part of a criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense. This applies to material that is cataloged separately or is present on other evidence including but not limited to clothing, ligatures, bedding or other household materials, drinking cups, or cigarettes.

NEW SUBSECTION. 1B. *“Custody”* means a person who has been arrested, is currently incarcerated, has been civilly committed, is on parole or probation, or who is subject to sex offender registration requirements.

Sec. 2. NEW SECTION. 81.5A **Preservation of biological evidence.**

1. Except as provided in section 709.10 concerning the gathering and preservation of sexual abuse evidence collection kits, all biological evidence collected involving a felony or aggravated misdemeanor in an agency’s possession or control shall be preserved and stored by the agency as follows:

a. For cases resulting in a conviction or a deferred judgment, biological evidence shall be retained for the latter of either of the following:

1 (1) Twenty years from the date the defendant's conviction
2 becomes final.

3 (2) The period of time that the defendant or a codefendant
4 remains in custody.

5 *b.* Except as provided in section 81.9, for cases not
6 resulting in a conviction, biological evidence shall be
7 preserved and stored until the expiration of the statute of
8 limitations for the alleged offense.

9 *c.* A criminal or juvenile justice agency, as defined in
10 section 692.1, shall retain biological evidence as provided in
11 section 81.13, subsection 2.

12 2. The agency shall retain biological evidence in an amount
13 and a manner sufficient to develop a DNA profile from the
14 biological material contained in or included on the evidence
15 and in a manner reasonably calculated to prevent contamination
16 or degradation of any biological evidence that might be
17 present, subject to a continuous chain of custody, and securely
18 retained with sufficient official documentation to locate the
19 evidence.

20 3. All records documenting the possession, control,
21 storage, and destruction of biological evidence related to a
22 criminal investigation or prosecution of an offense referenced
23 in this section shall be retained.

24 4. Upon written request by a defendant, the agency shall
25 prepare an inventory of biological evidence relevant to the
26 defendant's case that is in the custody of the agency.

27 5. If evidence was destroyed in accordance with section
28 81.5B through a court order or other written directive,
29 the agency shall provide the defendant with a copy of the
30 documentation showing adherence with this section, the court
31 order, or the written directive.

32 6. The agency shall not be required to preserve physical
33 evidence on which biological evidence is found that is of such
34 a size, bulk, or physical character as to render retention
35 impracticable. When such retention is impracticable, a portion

1 of the physical evidence likely to contain biological evidence
2 shall be removed in a quantity sufficient to permit future DNA
3 testing before returning or disposing of the remainder of the
4 physical evidence.

5 7. Biological evidence shall not be destroyed when
6 a codefendant, convicted of the same crime, remains in
7 custody, and the agency shall preserve the evidence until all
8 codefendants are released from custody.

9 Sec. 3. NEW SECTION. **81.5B Destruction of biological**
10 **evidence.**

11 Except as provided in section 709.10 concerning the
12 gathering and preservation of sexual abuse evidence collection
13 kits, an agency may destroy or dispose of DNA samples before
14 the period required in section 81.5A expires if all of the
15 following apply:

16 1. No other provision of federal or state law requires the
17 agency to preserve the biological evidence.

18 2. *a.* The agency sends a notice of intent to dispose
19 of biological evidence by certified mail, return receipt
20 requested, or by a delivery service that provides proof of
21 delivery, to the following:

22 (1) Any victim as defined in section 915.10.

23 (2) Any individual who remains in custody based on a
24 criminal conviction related to the biological evidence.

25 (3) The private attorney or public defender of record for
26 each individual related to the evidence.

27 (4) If applicable, the prosecuting agency responsible for
28 the prosecution of each individual relating to the biological
29 evidence.

30 (5) If applicable, the office of the attorney general.

31 *b.* The notification of intent to dispose of biological
32 evidence shall include that the evidence may be destroyed one
33 hundred eighty days after the date on which the agency received
34 proof of delivery of the notice unless the notified party does
35 either of the following:

1 (1) Files an application for DNA profiling under section
2 81.11.

3 (2) Submits a written request to the agency that the
4 biological evidence be retained.

5 Sec. 4. NEW SECTION. 81.5C **Noncompliance with preservation**
6 **requirements.**

7 1. Following a request to produce biological evidence, an
8 agency that is unable to produce biological evidence that is
9 required to be preserved under section 81.5A shall provide an
10 affidavit describing the efforts taken to locate the biological
11 evidence and affirm that the biological evidence could not be
12 located.

13 2. If the court finds that biological evidence was not
14 preserved in accordance with section 81.5A, the court may
15 conduct a hearing and impose appropriate sanctions and order
16 appropriate remedies.

17 DIVISION II

18 INCARCERATED WITNESS TESTIMONY

19 Sec. 5. NEW SECTION. 804A.1 **Definitions.**

20 As used in this chapter, unless the context otherwise
21 requires:

22 1. "*Benefit*" means any plea bargain, bail consideration,
23 reduction or modification of sentence, or any other leniency,
24 immunity, financial payment, reward, or amelioration of current
25 or future conditions of a sentence that is requested, provided,
26 or will be provided in the future in connection with, or in
27 exchange for, the testimony of a incarcerated witness.

28 2. "*Incarcerated witness*" means a person who provides
29 testimony, or who intends to provide testimony, during a
30 criminal prosecution regarding statements made by a suspect or
31 defendant while both the witness and the suspect or defendant
32 were incarcerated, and who has requested, has been offered, or
33 may in the future receive a benefit in connection with such
34 testimony. "*Incarcerated witness*" does not include a person who
35 is a confidential informant, codefendant, percipient witness,

1 accomplice, or coconspirator in the criminal prosecution.

2 Sec. 6. NEW SECTION. 804A.2 Transparency in the use of
3 incarcerated witness testimony.

4 1. In any criminal prosecution, not less than ninety days
5 prior to a trial, the prosecuting attorney shall disclose its
6 intent to introduce the testimony of an incarcerated witness
7 regarding statements made by a suspect or defendant, while such
8 witness and suspect or defendant were both incarcerated. The
9 prosecuting attorney shall provide to the defense all of the
10 following:

11 a. The criminal history of the incarcerated witness,
12 including any pending or dismissed criminal charges.

13 b. The incarcerated witness's cooperation agreement and any
14 benefit that has been requested by, provided to, or will be
15 provided in the future to the incarcerated witness.

16 c. The contents of any statement allegedly given by the
17 suspect or defendant to the incarcerated witness and the
18 contents of any statement given by the incarcerated witness
19 to law enforcement regarding the statements allegedly made by
20 the suspect or defendant, including the time and place such
21 statements were given.

22 d. Any information regarding the incarcerated witness
23 recanting testimony or statements, including the time and place
24 of the recantation, the nature of the recantation, and the
25 names of the people present at the recantation.

26 e. Any information concerning other criminal cases in
27 which the testimony of the incarcerated witness was introduced
28 or was intended to be introduced by a prosecuting attorney
29 regarding statements made by a suspect or defendant, including
30 any cooperation agreement and any benefit that the incarcerated
31 witness received in such case.

32 2. The court may permit the prosecuting attorney to
33 comply with the provisions of this section after the time
34 period provided in subsection 1 if the court finds that the
35 incarcerated witness was not known or the information described

1 in subsection 1 could not be discovered or obtained by the
2 prosecuting attorney exercising due diligence within the time
3 period.

4 3. If the court finds that disclosing the information
5 described in subsection 1 is likely to cause bodily harm to the
6 incarcerated witness, the court may do any of the following:

7 a. Order that such evidence be viewed only by the defense
8 counsel and not by the defendant or others.

9 b. Issue a protective order.

10 4. If the testimony of an incarcerated witness is admitted
11 into evidence, the jury shall be instructed that such testimony
12 was provided by an incarcerated witness and informed of any
13 benefit that has been requested by, provided to, or will
14 be provided in the future to the incarcerated witness in
15 connection with providing such testimony.

16 Sec. 7. NEW SECTION. 804A.3 Pretrial hearing —
17 incarcerated witness testimony.

18 1. In a criminal prosecution in which the prosecuting
19 attorney intends to introduce the testimony of an incarcerated
20 witness, upon motion of the defendant, the court shall conduct
21 a pretrial hearing to determine whether the incarcerated
22 witness's testimony exhibits reliability and is admissible
23 based on the following factors:

24 a. The extent to which the incarcerated witness's testimony
25 is confirmed by other evidence.

26 b. The specificity of the testimony.

27 c. The extent to which the testimony contains details that
28 would be known only by the perpetrator of the offense.

29 d. The extent to which the details of the testimony could be
30 obtained from a source other than the suspect or defendant.

31 e. The circumstances under which the incarcerated witness
32 provided the information to the prosecuting attorney or a law
33 enforcement officer, including whether the incarcerated witness
34 was responding to leading questions.

35 2. If the prosecuting attorney fails to show by a

1 preponderance of the evidence that an incarcerated witness's
2 testimony is reliable, the court shall exclude the testimony at
3 trial.

4 Sec. 8. NEW SECTION. 804A.4 Tracking the use of
5 incarcerated witness testimony.

6 1. A prosecuting attorney's office shall maintain a central
7 record containing all of the following:

8 a. Any case in which testimony by an incarcerated
9 witness was introduced or was intended to be introduced by a
10 prosecuting attorney regarding statements made by a suspect or
11 defendant and the substance of such testimony.

12 b. Any benefit that was requested by, provided to, or
13 will be provided in the future to an incarcerated witness in
14 connection with testimony provided by the witness.

15 2. Each prosecuting attorney's office shall forward the
16 information described in subsection 1 to the division of
17 criminal investigation of the department of public safety. The
18 division shall maintain a statewide database containing the
19 information forwarded pursuant to this section. The database
20 shall be accessible only to prosecuting attorneys and shall
21 otherwise remain confidential and not subject to open records
22 requests.

23 3. If an incarcerated witness receives any benefit in
24 connection with offering or providing testimony against a
25 defendant, the prosecuting attorney shall notify any victim
26 connected to the crime for which the witness was incarcerated.

27 DIVISION III

28 POSTCONVICTION ACCESS TO INVESTIGATIVE FILES IN CRIMINAL CASES

29 Sec. 9. NEW SECTION. 701.13 Postconviction file access —
30 discoverable materials.

31 1. For purposes of this section, "file" means all papers,
32 documents, statements, photographs, or tangible objects in
33 the possession, custody, or control of the state including
34 any results or reports of physical or mental examinations and
35 of scientific tests or experiments made in connection with a

1 particular criminal case.

2 2. Except as provided in subsection 3, a prosecuting
3 attorney, to the extent allowed by law, shall make available to
4 a defendant who has been convicted of a felony or an aggravated
5 misdemeanor, any file in the possession of a law enforcement
6 agency, county attorney, or the attorney general in this state
7 involved in the investigation of any felony or aggravated
8 misdemeanor committed by the defendant relating to the
9 prosecution of the defendant that the defendant was entitled to
10 at the time of the defendant's trial.

11 3. In all criminal cases involving a conviction for a felony
12 or an aggravated misdemeanor, all of the following shall apply:

13 a. Except as provided in subsection 4, a defendant's
14 previous trial or appellate attorney shall securely retain a
15 copy of the defendant's file for seven years after completion
16 or termination of representation of the defendant or until the
17 completion of the defendant's term of imprisonment, whichever
18 occurs first. An electronic copy is sufficient only if an
19 entire file can be digitally copied and preserved.

20 b. A defendant's file may be maintained by electronic,
21 photographic, or other media provided that printed copies may
22 be produced and the records are readily accessible to the
23 defendant's previous trial or appellate attorney.

24 c. A defendant's previous trial or appellate attorney shall
25 make available to the defendant or the defendant's current
26 attorney the complete file relating to the prosecution of the
27 defendant.

28 4. a. A defendant's previous trial or appellate attorney
29 may destroy the defendant's file prior to the end of the term
30 of retention described in subsection 3 if the attorney receives
31 written or electronically recorded consent from the defendant.
32 The written or electronic record of the consent to destruction
33 shall be maintained by the attorney for a period of at least
34 six years after completion or termination of representation or
35 the end of the defendant's sentence, whichever occurs first.

1 *b.* Items in the file of monetary value shall not be
2 destroyed.

3 *c.* A defendant's previous trial or appellate attorney
4 destroying a file pursuant to this subsection shall securely
5 store items of intrinsic value or deliver such items to the
6 state unclaimed property agency.

7 *d.* The file shall be destroyed in a manner that preserves
8 client confidentiality.

9 5. A defendant's previous trial or appellate attorney shall
10 not destroy a file pursuant to subsection 4 if the attorney
11 knows or reasonably should know any of the following:

12 *a.* A legal malpractice claim is pending related to the
13 representation.

14 *b.* A criminal or other governmental investigation is pending
15 related to the representation.

16 *c.* A complaint is pending before the Iowa attorney
17 disciplinary board related to the representation.

18 *d.* Other litigation is pending related to the
19 representation.

20 6. If a prosecuting attorney has a reasonable belief
21 that allowing inspection of any portion of the defendant's
22 file by a defendant's current attorney would place a person
23 in imminent danger, the prosecuting attorney may submit any
24 portion of the file so identified for inspection by the court.
25 If upon examination of the file the court finds that the
26 submitted portion of the file would not assist the defendant
27 in investigating, preparing, or presenting a motion for any
28 appropriate relief, the court may in its discretion allow the
29 prosecutor to withhold that portion of the file.

30 7. A defendant, the defendant's current attorney,
31 investigator, expert, consulting legal counsel, or other agent
32 of the attorney representing the defendant shall not disclose
33 to a third party any file received from the prosecuting
34 attorney under this section that is prohibited from public
35 disclosure unless any of the following apply:

1 a. A court orders the disclosure of the file upon a showing
2 of good cause after notice and a hearing to consider the
3 security and privacy interests of a victim or witness.

4 b. The file has already been publicly disclosed.

5 8. The actual costs involved in the examination or copying
6 of the disclosed file pursuant to this section shall be
7 reimbursed by the defendant.

8 9. This section does not require the retention of any file
9 not otherwise required by law or court order.

10 EXPLANATION

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

13 This bill relates to the preservation of biological evidence
14 collected in relation to a criminal investigation, testimony
15 by an incarcerated witness, and postconviction access to
16 investigative files in a criminal case.

17 DIVISION I — PRESERVATION OF BIOLOGICAL EVIDENCE IN
18 CRIMINAL INVESTIGATIONS. The bill provides that except as
19 provided in Code section 709.10 (gathering and preservation of
20 sexual abuse evidence collection kits), all biological evidence
21 collected involving a felony or aggravated misdemeanor in an
22 agency's possession or control shall be preserved and stored by
23 the agency as follows: for cases resulting in a conviction or
24 a deferred judgment, the biological evidence shall be retained
25 for the latter of 20 years from the date the defendant's
26 conviction becomes final or the period of time that the
27 defendant or a codefendant remains in custody; and for cases
28 not resulting in a conviction, the biological evidence shall
29 be preserved and stored until the expiration of the statute of
30 limitations for the alleged offense. The agency shall retain
31 biological evidence in an amount and a manner sufficient to
32 develop a DNA profile from the biological evidence and in
33 a manner reasonably calculated to prevent contamination or
34 degradation of any biological evidence that might be present,
35 subject to a continuous chain of custody, and securely retained

1 with sufficient official documentation to locate the evidence.

2 The bill provides that upon written request by a defendant,
3 the agency shall prepare an inventory of biological evidence
4 relevant to the defendant's case that is in the custody of the
5 agency. If biological evidence was destroyed in accordance
6 with the bill through a court order or other written directive,
7 the agency shall provide the defendant with a copy of the
8 documentation showing adherence with the new Code section, the
9 court order, or the written directive.

10 The bill provides that the agency shall not be required to
11 preserve physical evidence on which biological evidence is
12 found that is of such a size, bulk, or physical character as to
13 render retention impracticable. A portion of the biological
14 evidence likely to contain biological evidence shall be removed
15 in a quantity sufficient to permit future DNA testing before
16 returning or disposing of the remainder of the biological
17 evidence. Biological evidence shall not be destroyed when
18 a codefendant, convicted of the same crime, remains in
19 custody, and the agency shall preserve the evidence until all
20 codefendants are released from custody.

21 The bill provides that the agency may destroy or dispose of
22 biological evidence before the period required expires if no
23 other provision of federal or state law requires the agency
24 to preserve the biological evidence and the agency sends a
25 notice of intent to dispose of biological evidence by certified
26 mail, return receipt requested, or by a delivery service that
27 provides proof of delivery to any victim, any individual who
28 remains in custody based on a criminal conviction related
29 to the biological evidence, the private attorney or public
30 defender of record for each individual related to the
31 biological evidence, and, if applicable, the prosecuting agency
32 responsible for the prosecution of each individual relating to
33 the biological evidence and the attorney general. A notified
34 person may file an application for DNA profiling or submit a
35 written request to the agency that the biological evidence be

1 retained.

2 The bill provides that an agency that receives a request
3 to produce biological evidence that the agency is unable to
4 produce shall provide an affidavit describing the efforts
5 taken to locate the biological evidence and affirm that
6 the biological evidence could not be located. If the court
7 finds that biological evidence was not preserved as required
8 under the bill, the court may conduct a hearing and impose
9 appropriate sanctions and order appropriate remedies.

10 The bill defines "agency", "biological evidence", and
11 "custody".

12 DIVISION II — INCARCERATED WITNESS TESTIMONY. The
13 bill provides that in any criminal prosecution, not less
14 than 90 days prior to a trial, the prosecuting attorney
15 shall disclose its intent to introduce the testimony of an
16 incarcerated witness regarding statements made by a suspect or
17 defendant, while such witness and suspect or defendant were
18 both incarcerated. The prosecuting attorney shall provide to
19 the defense all of the following: the criminal history of
20 the incarcerated witness, including any pending or dismissed
21 criminal charges; the incarcerated witness's cooperation
22 agreement and any benefit that has been requested by, provided
23 to, or will be provided in the future to the incarcerated
24 witness; any statement allegedly given by the suspect or
25 defendant to the incarcerated witness and any statement given
26 by the incarcerated witness to law enforcement regarding the
27 statements allegedly made by the suspect or defendant; any
28 information regarding the incarcerated witness recanting
29 testimony or statements; and any information concerning other
30 criminal cases in which the testimony of the incarcerated
31 witness was introduced or was intended to be introduced by a
32 prosecuting attorney.

33 The bill provides that if the court finds that disclosing
34 the information described in the bill is likely to cause bodily
35 harm to the incarcerated witness, the court may order that such

1 evidence be viewed only by the defense counsel or may issue a
2 protective order. If the testimony of an incarcerated witness
3 is admitted into evidence, the jury shall be instructed that
4 such testimony was provided by an incarcerated witness and
5 informed of any benefit that has been requested by, provided
6 to, or will be provided in the future to the incarcerated
7 witness in connection with providing such testimony.

8 The bill provides that in a criminal prosecution in which
9 the prosecuting attorney intends to introduce the testimony
10 of an incarcerated witness, upon motion of the defendant, the
11 court shall conduct a pretrial hearing to determine whether
12 the incarcerated witness's testimony exhibits reliability and
13 is admissible based on the following factors: the extent to
14 which the incarcerated witness's testimony is confirmed by
15 other evidence; the specificity of the testimony; the extent
16 to which the testimony contains details that would be known
17 only by the perpetrator of the offense; the extent to which the
18 details of the testimony could be obtained from a source other
19 than the suspect or defendant; and the circumstances under
20 which the incarcerated witness provided the information to the
21 prosecuting attorney or a law enforcement officer. If the
22 prosecuting attorney fails to show by a preponderance of the
23 evidence that an incarcerated witness's testimony is reliable,
24 the court shall exclude the testimony at trial.

25 The bill requires that each prosecuting attorney's office
26 shall maintain a central record containing any case in which
27 testimony by an incarcerated witness was introduced or was
28 intended to be introduced regarding statements made by a
29 suspect or defendant and the substance of such testimony, and
30 any benefit that was requested by, provided to, or will be
31 provided in the future to an incarcerated witness in connection
32 with testimony provided by the witness. A prosecuting
33 attorney's office shall forward the information to the division
34 of criminal investigation of the department of public safety.
35 The division shall maintain a statewide database containing

1 the information forwarded. The database shall be accessible
2 only to prosecuting attorneys and shall otherwise remain
3 confidential and not subject to open records requests. If
4 an incarcerated witness receives any benefit in connection
5 with offering or providing testimony against a defendant, the
6 prosecuting attorney shall notify any victim connected to the
7 crime for which the witness was incarcerated.

8 The bill defines "benefit" and "incarcerated witness".

9 DIVISION III — POSTCONVICTION ACCESS TO INVESTIGATIVE FILES
10 IN A CRIMINAL CASE. The bill provides that the prosecuting
11 attorney, to the extent allowed by law, shall make available
12 to a defendant, who has been convicted of a felony or an
13 aggravated misdemeanor, the file in the possession of any law
14 enforcement agency, county attorney, or the attorney general
15 in this state involved in the investigation of the public
16 offenses committed by the defendant or the prosecution of the
17 defendant which the defendant was entitled to at the time of
18 the defendant's trial. If the prosecuting attorney has a
19 reasonable belief that allowing inspection of any portion of
20 the file by the attorney for the defendant would place a person
21 in imminent danger, the prosecuting attorney may submit any
22 portion of the file identified for inspection by the court. If
23 upon examination the court finds that the submitted portion
24 of the file would not assist the defendant in investigating,
25 preparing, or presenting a motion for appropriate relief, the
26 court in its discretion may allow the prosecutor to withhold
27 that portion of the file.

28 The bill provides that in all criminal matters involving
29 a conviction for a felony or aggravated misdemeanor, a
30 defendant's previous trial or appellate attorney shall securely
31 retain a copy of the defendant's file for seven years after
32 completion or termination of representation of the defendant or
33 until the completion of the defendant's term of imprisonment,
34 whichever occurs first. An electronic copy is sufficient only
35 if an entire file can be digitally copied and preserved. A

1 defendant's file, except for items of intrinsic value, may be
2 maintained by electronic, photographic, or other media provided
3 that printed copies may be produced and the records are readily
4 accessible to the attorney. A defendant's previous trial or
5 appellate attorney shall make available to the defendant or the
6 defendant's current attorney the complete file relating to the
7 prosecution of the defendant.

8 The bill provides that the defendant's previous trial or
9 appellate attorney may destroy the defendant's file prior to
10 the end of the required term of retention if the attorney
11 receives written or electronically recorded consent from the
12 defendant. The written or electronic record of the consent
13 to destruction shall be maintained by the attorney for a
14 period of at least six years after completion or termination
15 of representation or the end of the defendant's sentence,
16 whichever occurs first. Items in the file with intrinsic
17 value shall never be destroyed and shall be securely stored
18 or delivered to the state unclaimed property agency. The
19 file shall be destroyed in a manner that preserves client
20 confidentiality.

21 The bill provides that an attorney shall not destroy a
22 file prior to the end of the required term of retention if
23 the attorney knows or reasonably should know that a legal
24 malpractice claim is pending related to the representation; a
25 criminal or other governmental investigation is pending related
26 to the representation; a complaint is pending before the Iowa
27 attorney disciplinary board related to the representation; or
28 other litigation is pending related to the representation.

29 The bill provides that the defendant, the defendant's
30 attorney, investigator, expert, consulting legal counsel, or
31 other agent of the attorney representing the defendant shall
32 not disclose to a third party any file received from the
33 prosecuting attorney that is prohibited from public disclosure
34 unless a court orders the disclosure of the materials of such
35 file upon a showing of good cause after notice and a hearing

1 to consider the security and privacy interests of a victim or
2 witness, or the file has already been publicly disclosed.

3 The actual costs involved in the examination or copying of
4 any file disclosed shall be reimbursed by the defendant. The
5 bill does not require the retention of any file not otherwise
6 required by law or court order.

7 The bill defines "file" as papers, documents, statements,
8 photographs, or tangible objects in the possession, custody,
9 or control of the state including any results or reports of
10 physical or mental examinations and of scientific tests or
11 experiments made in connection with a particular case.