

**CHAPTER 1149****BOILERS AND UNFIRED STEAM PRESSURE VESSELS**

S.F. 2453

**AN ACT** relating to boilers and unfired steam pressure vessels by providing for the inspection of certain unfired steam pressure vessels, the procedure for adopting rules, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 89.5, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. A rule adopted pursuant to this section which adopts standards by reference to another publication shall be exempt from the requirements of section 17A.6, subsection 4, if the following conditions exist:

- a. The cost of the publication is an unreasonable expense when compared to the anticipated usage of the publication.
- b. A copy of the publication is available from an entity located within the state capitol complex.
- c. The rule identifies the location where the publication is available.
- d. The administrative rules coordinator approves the exemption.

Sec. 2. **PRESSURE VESSEL INTERNAL INSPECTIONS – EXTENSION.** Notwithstanding section 89.3, unfired steam pressure vessels used as dryer rollers, steam condensate separators, or condensate receivers, manufactured on or after January 1, 1994, with an allowable pressure of one hundred fifty pounds per square inch and the safety relief valve set at a pressure of one hundred fifty pounds per square inch, shall be inspected externally on an annual basis and shall be inspected internally for the second time before December 31, 1997.

Sec. 3. **EFFECTIVE DATE.** Section 1 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 23, 1996

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**CHAPTER 1150****ACCESS TO CRIMINAL HISTORY AND RELATED RECORDS**

H.F. 2448

**AN ACT** relating to access to criminal history and other records maintained by state agencies.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 22.7, subsection 9, Code Supplement 1995, is amended to read as follows:

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

Sec. 2. Section 216A.136, Code 1995, is amended to read as follows:

216A.136 **STATISTICAL ANALYSIS CENTER — ACCESS TO RECORDS.**

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. ~~The division of criminal and juvenile justice planning and the statistical analysis center are considered criminal justice agencies for the purposes of receiving criminal history data.~~ Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, district departments of correctional services, department of human services, judicial department, and department of public safety. Any record, data, or information obtained by the division under this section and the division itself are subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

1. Juvenile court records and all other information maintained under sections 232.147 through 232.153.
2. Child abuse information under sections 235A.15 through 235A.19.
3. Dependent adult abuse records maintained under chapter 235B.
4. Criminal history and intelligence data maintained under chapter 692.
5. Sex offender registry information maintained under chapter 692A.
6. Presentence investigation reports maintained under section 901.4.
7. Corrections records maintained under sections 904.601 and 904.602.
8. Community-based correctional program records maintained under chapter 905.
9. Parole records maintained under chapter 906.
10. Deferred judgment, deferred or suspended sentence, and probation records maintained under chapter 907.
11. Violation of parole or probation records maintained under chapter 908.
12. Fines and victim restitution records maintained under chapters 909 and 910.

Sec. 3. Section 692.2, subsections 1 through 5, Code Supplement 1995, are amended by striking the subsections and inserting in lieu thereof the following:

1. The department may provide copies or communicate information from criminal history data to the following:

a. Criminal or juvenile justice agencies.

b. A person or public or private agency, upon written application on a form approved by the commissioner of public safety and provided by the department to law enforcement agencies, subject to the following restrictions:

(1) A request for criminal history data must be submitted in writing by mail or as otherwise provided by rule. However, the department shall accept a request presented in person if it is from an individual or an individual's attorney and requests the individual's personal criminal history data.

(2) The request must identify a specific person by name and date of birth. Fingerprints of the person named may be required.

(3) Criminal history data that does not contain any disposition data after eighteen months from the date of arrest may only be disseminated by the department to criminal or juvenile justice agencies, to the person who is the subject of the criminal history data or the person's attorney, or to a person requesting the criminal history data with a signed release from the person who is the subject of the criminal history data authorizing the requesting person access to criminal history data.

(4) Upon receipt of official notification of the successful completion of probation following a deferred judgment, criminal history data regarding the person who successfully completed the probation shall only be disseminated by the department to a criminal or

juvenile justice agency, to the person who is the subject of the criminal history data or the person's attorney, or to another person with a signed release from the person who is the subject of the criminal history data authorizing the requesting person access to the criminal history data.

(5) Any release of criminal history data by the department shall prominently display the statement: "AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF GUILT."

2. Requests for criminal history data from criminal or juvenile justice agencies shall take precedence over all other requests.

3. A person who requests criminal history data shall not be liable for damages to the person whose criminal history data is requested for actions the person requesting the information may reasonably take in reliance on the accuracy and completeness of the criminal history data received from the department if all of the following are true:

a. The person requesting the criminal history data in good faith believes the criminal history data to be accurate and complete.

b. The person requesting the criminal history data has complied with the requirements of this chapter.

c. The identifying information submitted to the department by the person requesting the criminal history data is accurate regarding the person whose criminal history data is sought.

4. Unless otherwise provided by law, access under this section to criminal history data by a person or public or private agency does not create a duty upon a person, or employer, member, or volunteer of a public or private agency to examine the criminal history data of an applicant, employee, or volunteer.

5. A person other than the department of public safety shall not disseminate criminal history data maintained by the department to persons who are not criminal or juvenile justice agencies.

Sec. 4. Section 692.2, subsection 6, Code Supplement 1995, is amended to read as follows:

~~6. 5.~~ The department may charge a fee to any nonlaw-enforcement person or agency to conduct criminal history record data checks ~~and otherwise administer this section and other sections of the Code providing access to criminal history records.~~ The fee shall be set by the commissioner of public safety equal to the cost incurred ~~not to exceed twenty dollars for each individual check requested.~~ Notwithstanding any other limitation, the department is authorized to may use revenues generated from the fee to administer this section and other sections of the Code providing access to criminal history data and to employ clerical personnel to process criminal history data checks ~~for nonlaw-enforcement purposes.~~

~~In cases in which members of the department are participating in the investigation or arrest, or where officers of other criminal or juvenile justice agencies participating in the investigation or arrest consent, the department may disseminate criminal history data and intelligence data when the dissemination complies with section 692.3. However, the fee for conducting a criminal history data check for a person seeking release of a certified copy of the person's own criminal history data to a potential employer, if that employer requests the release in writing, shall not be paid by the person but shall be paid by the employer.~~

Sec. 5. Section 692.5, unnumbered paragraph 3, Code 1995, is amended to read as follows:

Upon the request of the petitioner, the record and evidence in a judicial review proceeding shall be closed to all but the court and its officers, and access thereto shall be refused unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions. ~~No~~ A person, other than the petitioner, shall not permit a copy of any of the testimony

or pleadings or the substance thereof to be made available to any person other than a party to the action or the party's attorney. Violation ~~of the provisions~~ of this section shall be a public offense, punishable under section 692.7. The provisions of this section shall be the sole right of action against the department, its subdivisions, or employees regarding improper storage or release of criminal history data.

Sec. 6. Section 692.7, subsection 1, Code 1995, is amended to read as follows:

1. ~~Any A~~ person who willfully requests, obtains, or seeks to obtain criminal history data under false pretenses, or who willfully communicates or seeks to communicate criminal history data to any agency or person except in accordance with this chapter, or ~~any a~~ person connected with ~~any a~~ research program authorized pursuant to this chapter who willfully falsifies criminal history data or any records relating thereto, shall, upon conviction, for each such offense be guilty of an aggravated misdemeanor. ~~Any person who knowingly, but without criminal purposes, communicates or seeks to communicate criminal history data except in accordance with this chapter shall be guilty of a simple misdemeanor.~~

Sec. 7. NEW SECTION. 692.8A REDISSEMINATION OF INTELLIGENCE DATA.

A criminal or juvenile justice agency, state or federal regulatory agency, or a peace officer shall not disseminate intelligence data, which has been received from the department or bureau or from any other source, outside the agency or the peace officer's agency unless all of the following apply:

1. The intelligence data is for official purposes in connection with prescribed duties of a criminal or juvenile justice agency.
2. The agency maintains a list of the persons receiving the intelligence data and the date and purpose of the dissemination.
3. The request for intelligence data is based upon name, fingerprints, or other individually identified characteristics.

Sec. 8. Section 692.18, unnumbered paragraph 2, Code 1995, is amended to read as follows:

~~Criminal history data and intelligence~~ Intelligence data in the possession of the department or bureau, or disseminated by the department or bureau, are not public records within the provisions of chapter 22.

Sec. 9. Section 692.20, Code 1995, is amended to read as follows:

692.20 MOTOR VEHICLE OPERATOR'S RECORD EXEMPT.

The provisions of ~~sections section~~ section 692.2 and ~~692.3~~ shall not apply to the certifying of an individual's operating record pursuant to section 321A.3.

Sec. 10. Section 692.3, Code Supplement 1995, is repealed.

Approved April 23, 1996