

~~2. Upon appropriation or receipt of sufficient funds, the~~ The division of criminal investigation shall carry out DNA profiling of submitted physical specimens. The division may contract with private entities for DNA profiling. "DNA profiling" means the procedure established by the division of criminal investigation, department of public safety, for determining a person's genetic identity.

Sec. 2. Section 901.2, unnumbered paragraph 2, Code Supplement 1999, is amended by striking the unnumbered paragraph.

Sec. 3. Section 901.5, Code 1999, is amended by adding the following new subsection:
NEW SUBSECTION. 8A. a. The court shall order DNA profiling of a defendant convicted of an offense that requires profiling under section 13.10.

b. Notwithstanding section 13.10, the court may order the defendant to provide a physical specimen to be submitted for DNA profiling if appropriate. In determining the appropriateness of ordering DNA profiling, the court shall consider the deterrent effect of DNA profiling, the likelihood of repeated offenses by the defendant, and the seriousness of the offense.

Sec. 4. Section 906.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

~~Notwithstanding section 13.10, the board may determine if the defendant shall be required to provide a physical specimen to be submitted for DNA profiling as a condition of parole or work release. The board shall consider the deterrent effect of DNA profiling, the likelihood of repeated violations by the offender, and the seriousness of the offense. When funds have been allocated from the general fund of the state, or funds have been provided by other public or private sources, the board shall order DNA profiling if appropriate. Notwithstanding section 13.10, the board may order the defendant to provide a physical specimen to be submitted for DNA profiling as a condition of parole or work release, if appropriate. In determining the appropriateness of ordering DNA profiling, the board shall consider the deterrent effect of DNA profiling, the likelihood of repeated offenses by the defendant, and the seriousness of the offense.~~

Approved April 20, 2000

CHAPTER 1123

INTERAGENCY SHARING OF CONFIDENTIAL INFORMATION

S.F. 2369

AN ACT relating to the sharing of juvenile court social records, child abuse records, or other information.

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

Section 1. Section 217.30, subsection 4, paragraph b, Code 1999, is amended to read as follows:

b. Confidential information described in subsection 1, paragraphs "a," "b", and "c", shall be disclosed to public officials, for use in connection with their official duties relating to law enforcement, audits and other purposes directly connected with the administration of such programs, upon written application to and with approval of the director or the director's designee. Confidential information described in subsection 1 paragraphs "a", "b", and "c",

shall also be disclosed to public officials, for use in connection with their official duties relating to the support and protection of children and families, upon written application to and with the approval of the director or the director's designee.

Sec. 2. Section 232.147, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Social records prior to adjudication may be disclosed without court order, to the superintendent or superintendent's designee of a school district, authorities in charge of an accredited nonpublic school, or any other state or local agency that are part of the juvenile justice system, in accordance with an interagency agreement established under section 280.25. The disclosure shall only include identifying information that is necessary to fulfill the purpose of the disclosure. The social records disclosed shall be used solely for the purpose of determining the programs and services appropriate to the needs of the child or the family of the child and shall not be disclosed for any other purpose unless otherwise provided by law.

Sec. 3. Section 235A.15, subsection 2, paragraph b, subparagraph (4), Code Supplement 1999, is amended to read as follows:

(4) To a multidisciplinary team, or to parties to an interagency agreement entered into pursuant to section 280.25, if the department of human services approves the composition of the multidisciplinary team or the relevant provisions of the interagency agreement and determines that access to the team or to the parties to the interagency agreement is necessary to assist the department in the diagnosis, assessment, and disposition of a child abuse case.

Sec. 4. Section 280.25, Code 1999, is amended to read as follows:

280.25 INFORMATION SHARING — INTERAGENCY AGREEMENTS.

1. The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district or school may share information contained within a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system ~~including the~~. These agencies include but are not limited to, juvenile court services, the department of human services, and local law enforcement authorities. The disclosure of information shall be directly related to the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are being released.

2. The purpose of the agreement shall be to reduce juvenile crime by promoting cooperation and collaboration and the sharing of appropriate information ~~between~~ among the parties in a joint effort to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well-supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

3. Information shared under the agreement shall be used solely for determining the programs and services appropriate to the needs of the juvenile or the juvenile's family, or coordinating the delivery of programs and services to the juvenile or the juvenile's family.

4. Information shared by the school district or school under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

5. Information shared by another party to the agreement with a school district or school pursuant to an interagency agreement shall not be used as a basis for a school disciplinary action against a student.

6. The interagency agreement shall provide, and each signatory agency to the agreement shall certify in the agreement, that confidential information shared ~~between~~ among the parties to the agreement shall remain confidential and shall not be shared with any other person, school, school district, or agency, unless otherwise provided by law.

7. Juvenile court social records may be disclosed in accordance with section 232.147, subsection 5A.

8. A school or school district entering into an interagency agreement under this section shall adopt a policy implementing the provisions of the interagency agreement. The policy shall include, but not be limited to, the provisions of the interagency agreement and the procedures to be used by the school or school district to share information from the student's permanent record with participating agencies. The policy shall be published in the student handbook.

Approved April 20, 2000

CHAPTER 1124

LOTTERY COMPACTS OR AGREEMENTS

S.F. 2443

AN ACT relating to compacts or agreements entered into by the Iowa lottery board and commissioner of the lottery.

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

Section 1. Section 99E.9, subsection 4, Code Supplement 1999, is amended to read as follows:

4. The board and the commissioner may enter into written agreements or compacts with another state or ~~states a territory of the United States~~, or one or more political subdivisions of another state or ~~states territory of the United States, or any lottery operated outside the United States~~ for the operation, marketing, and promotion of a joint lottery or joint lottery games. For the purposes of this subsection, any lottery with which the board and commissioner reach an agreement or compact shall meet the criteria for security, integrity, and finance set by the board.

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