

## CHAPTER 11

### CONFIDENTIAL RECORDS — ACCESS BY DEPARTMENT OF CORRECTIONS, JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES, AND BOARD OF PAROLE EMPLOYEES

S.F. 343

**AN ACT** relating to authorized access to certain confidential records by employees of the department of corrections, a judicial district department of correctional services, and the board of parole.

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

Section 1. [Section 125.93](#), Code 2021, is amended to read as follows:

**125.93 Commitment records — confidentiality.**

Records of the identity, diagnosis, prognosis, or treatment of a person which are maintained in connection with the provision of substance abuse treatment services are confidential, consistent with the requirements of [section 125.37](#), and with the federal confidentiality regulations authorized by the federal Drug Abuse Office and Treatment Act, 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. §290dd-2. However, such records may be disclosed to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services.

Sec. 2. [Section 228.5, subsection 4](#), Code 2021, is amended to read as follows:

4. Mental health information relating to an individual may be disclosed to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual including to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services.

Sec. 3. [Section 804.29, subsection 2](#), paragraph d, Code 2021, is amended to read as follows:

d. An employee of the department of corrections, if authorized by the director of the department of corrections, or an employee of a judicial district department of correctional services, if authorized by the director of the department of corrections judicial district department of correctional services.

Sec. 4. [Section 808.13](#), Code 2021, is amended to read as follows:

**808.13 Confidentiality.**

All information filed with the court for the purpose of securing a warrant for a search, including but not limited to an application and affidavits, shall be a confidential record until such time as a peace officer has executed the warrant and has made return thereon. During the period of time that information is confidential it shall be sealed by the court, and the information contained therein shall not be disseminated to any person other than a peace officer, magistrate, ~~or another court employee,~~ an employee of the department of corrections, if authorized by the director of the department of corrections, or an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services, in the course of official duties.

Sec. 5. [Section 901.4](#), Code 2021, is amended to read as follows:

**901.4 Presentence investigation report confidential — access.**

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. The defendant's attorney and the attorney for the state shall have access to the presentence investigation report at least three days prior to the date

set for sentencing. The defendant's appellate attorney and the appellate attorney for the state shall have access to the presentence investigation report upon request and without the necessity of a court order. The report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, an employee of the department and, if authorized by the director of the department, an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services, and an employee of the board of parole, if authorized by the chairperson or a member of the board of parole, shall have access to the presentence investigation report. Pursuant to [section 904.602](#), the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Approved March 8, 2021