

FEB 22 2001

STATE GOVERNMENT

HOUSE FILE 381

BY GREIMANN and REYNOLDS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the confidentiality of complaints,  
2 investigations, and information before the Iowa ethics and  
3 campaign disclosure board, and providing penalties.

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

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HF 381

1 Section 1. Section 68B.32B, subsection 11, Code 2001, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 11. a. When a complaint is filed with or initiated by the  
5 board alleging a violation of this chapter, chapter 56, or the  
6 administrative rules pertaining to either chapter, a person  
7 shall not disclose any information related to the matter,  
8 including the fact that a complaint has been filed, the  
9 allegations contained in the complaint, and related  
10 information provided to the board. A violation of this  
11 paragraph shall constitute a violation of this chapter,  
12 subject to the penalties in chapter 68B.32D.

13 b. Notwithstanding paragraph "a", the following persons  
14 are specifically excluded from the provisions and penalties of  
15 paragraph "a" in the following situations:

16 (1) A person who is a subject of a complaint or  
17 investigation may publicly disclose the existence of a  
18 complaint or investigation.

19 (2) The board may disclose a complaint or information  
20 gathered during the course of an investigation:

21 (a) Once the board dismisses a complaint for failure of  
22 probable cause to believe a violation of law or rule has  
23 occurred, or the board closes an investigation without filing  
24 a complaint.

25 (b) If the board initiates a contested case proceeding,  
26 orders informal resolution of the matter, or directs staff to  
27 negotiate an informal settlement.

28 (c) To law enforcement authorities, if investigative  
29 materials or other information provided to the board  
30 demonstrate an apparent violation of law.

31 EXPLANATION

32 This bill replaces the existing Code language in Code  
33 section 68B.32B, subsection 11, regarding the confidentiality  
34 of complaints and investigative material before the Iowa  
35 ethics and campaign disclosure board.

1 The bill provides that a person shall not disclose any  
2 information related to the matter of a complaint or  
3 investigation, including the fact that a complaint has been  
4 filed, the allegations contained in the complaint, and related  
5 information provided to the board. A person violating the  
6 provisions is subject to the penalties in Code section  
7 68B.32D, including payment of a civil penalty not exceeding  
8 \$2,000.

9 The bill specifically exempts from penalty for disclosure  
10 persons who are the subject of a complaint or investigation.  
11 The board is also exempted in three instances: (1) after  
12 dismissal of a complaint for failure of probable cause to  
13 establish a violation of law or rule, or after closure of an  
14 investigation without filing a complaint; (2) if the board  
15 initiates a contested case proceeding, orders informal  
16 resolution of the matter, or directs staff to negotiate an  
17 informal settlement; and (3) if investigative materials or  
18 other information demonstrate an apparent violation of law,  
19 the board may disclose such information to law enforcement  
20 authorities.

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