

JUDICIARY
FILED FEB 20 '01

SENATE FILE
BY KING

247

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to releasing information about the human
2 immunodeficiency virus.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 247
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1 Section 1. Section 80.9, subsection 2, paragraph d, Code
2 2001, is amended to read as follows:

3 d. To collect and classify, and keep at all times
4 available, complete information useful for the detection of
5 crime, and the identification and apprehension of criminals.
6 Such information shall be available for all peace officers
7 within the state, under such regulations as the commissioner
8 may prescribe. The provisions of chapter 141A do not apply to
9 the entry of human immunodeficiency virus-related information
10 by criminal or juvenile justice agencies, as defined in
11 section 692.1, into the Iowa criminal justice information
12 system or the national crime information center system. The
13 provisions of chapter 141A also do not apply to the
14 transmission of the same information from either or both
15 information systems to criminal or juvenile justice agencies.
16 The provisions of chapter 141A ~~also~~ do not apply to the
17 transmission of the same information from either or both
18 information systems to employees of state correctional
19 institutions subject to the jurisdiction of the department of
20 corrections, employees of secure facilities for juveniles
21 subject to the jurisdiction of the department of human
22 services, and employees of city and county jails, if those
23 employees have direct physical supervision over inmates of
24 those facilities or institutions. ~~Human-immunodeficiency~~
25 ~~virus-related~~ The provisions of chapter 141A also do not apply
26 to transmission of the same information shall-not-be
27 ~~transmitted~~ over the police radio broadcasting system under
28 chapter 693 or any other radio-based communications system.
29 An employee of an agency receiving human immunodeficiency
30 virus-related information under this section who communicates
31 the information to another employee who does not have direct
32 physical supervision over inmates, other than to a supervisor
33 of an employee who has direct physical supervision over
34 inmates for the purpose of conveying the information to such
35 an employee, or who communicates the information to any person

1 not-employed-by-the-agency-or-uses-the-information-outside-the
2 agency while not acting within the scope of employment is
3 guilty of a class "D" felony. The commissioner shall adopt
4 rules regarding the transmission of human immunodeficiency
5 virus-related information including provisions for maintaining
6 confidentiality of the information. The rules shall include a
7 requirement that persons receiving information from the Iowa
8 criminal justice information system or the national crime
9 information center system receive training regarding
10 confidentiality standards applicable to the information
11 received from the system. The commissioner shall develop and
12 establish, in cooperation with the department of corrections
13 and the Iowa department of public health, training programs
14 and program criteria for persons receiving human
15 immunodeficiency virus-related information through the Iowa
16 criminal justice information system or the national crime
17 information center system.

18 EXPLANATION

19 This bill relates to releasing information about the human
20 immunodeficiency virus (HIV).

21 The bill provides that a law enforcement agency may
22 transmit a person's HIV-related information over a police
23 radio or any other radio-based communication system. Current
24 law prohibits an agency from disseminating such information
25 over the radio. Under the bill, an employee shall only
26 communicate HIV-related information about a person while
27 acting within the scope of employment, or the employee commits
28 a class "D" felony.

29 A class "D" felony is punishable by confinement for no more
30 than five years and a fine of at least \$750 but not more than
31 \$7,500.

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**SENATE FILE 247
FISCAL NOTE**

A fiscal note for **Senate File 247** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 247 relates to releasing information about the human immunodeficiency virus over the police radio broadcasting system.

ASSUMPTIONS

1. Current law prohibits an agency from disseminating information regarding a person's human immunodeficiency virus (HIV) status.
2. Under this legislation, an employee shall only communicate HIV-related information about a person while acting within the scope of employment.
3. Anyone guilty of using HIV-related information outside the scope of job duties shall be guilty of a Class D felony.
4. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.
5. The median cost for the State Public Defender is \$1,000.
6. The average stay in prison for a Class D felony is 16.7 months.
7. The average cost per day for prison is \$16.
8. The court costs for a Class D felony range from \$3,000 to \$5,000.
9. The average length of stay for a Class D felony on supervision is 29 months.
10. The marginal cost per day on probation or parole is \$1.55.
11. Charge, conviction, and sentencing patterns and trends will not change over the projections period.
12. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projections period.
13. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the law's effective date to the date of the first entry of affected offenders into the correctional system.

CORRECTIONAL IMPACT

The correctional impact under Senate File 247 is expected to be minimal.

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According to the Justice Data Warehouse, there have been no convictions under current law from September 1997 through December 2000.

FISCAL IMPACT

Any fiscal impact under Senate File 247 is expected to be minimal. The cost for one offender would be approximately \$14,000.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch
State Public Defender's Office

(LSB 1973SS, JDD)

FILED MARCH 13, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR