

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 82
“Criminal History and Fingerprint Records”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 692.2A and 692.10
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 690, 692, and 692B

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 8, 2026
4 to 4:30 p.m.

Public Conference Room 125
Oran Pape State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 82 and adopt a new chapter in lieu thereof. Iowa Code chapters 690, 692, and 692B establish the responsibility and authority of the Division of Criminal Investigation (DCI) of the Department of Public Safety (DPS) to act as the central State repository for official criminal history records for the State of Iowa and provide that such records are to be made available to requesting bodies. These rules outline the requirements and procedures related to the collection and dissemination of criminal history records.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• Classes of persons that will bear the costs of the proposed rulemaking:

All individuals and non-criminal justice agencies requesting criminal history information from the Department are assessed a fee of \$15 for each name for which information is requested. Statutorily, if an employer requires receipt of criminal history as a condition of employment, the employer is responsible for paying the cost of the criminal history fee of a potential employee. There is no fee for criminal or juvenile justice agencies to request criminal history data from the Department.

• Classes of persons that will benefit from the proposed rulemaking:

Employers, individuals, and criminal or juvenile justice agencies requesting criminal history records will benefit from effective and efficient processes.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Employers, individuals, and non-criminal justice agencies requesting criminal history information are assessed a fee of \$15 for each name for which information is requested.

- **Qualitative description of impact:**

In addition to the fee, any individual requesting criminal history information will be responsible for filling out the required forms.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

Outside of typical operating costs, which the fees help to support, there are no additional costs to the Department or any other agency to implement or enforce this chapter.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Inaction could compromise existing efficiencies, thus delaying results to employers and other individuals. Providing accurate and timely criminal history background information on prospective hires in the health care, education, and child care industries helps to keep Iowa's most vulnerable communities safe.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

None were identified.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 82 and adopt the following new chapter in lieu thereof:

CHAPTER 82
CRIMINAL HISTORY AND FINGERPRINT RECORDS

661—82.1(690,692) Records and identification section. The records and identification section of the division of criminal investigation of the department of public safety maintains information necessary to identify persons with criminal histories. The section collects, files and disseminates criminal history data to authorized criminal justice agencies and to the public upon request and updates criminal history data on a continuing basis.

661—82.2(690,692) Definitions. The following definitions apply to rules 661—82.1(690,692) through 661—82.301(232):

“Authorized agency” means a division or office of the state of Iowa designated to report, receive, or disseminate information under Iowa state law or administrative rule.

“Criminal identification records” means either of the following records, the forms for which are provided by the department to law enforcement agencies:

1. Department of public safety arrest fingerprint cards.
2. State of Iowa final disposition reports.

“Department” means the Iowa department of public safety.

“Division” means the division of criminal investigation of the department of public safety.

“Employee” means a person who provides services and is compensated for those services.

“Fee” means any cost associated with conducting a state or national criminal history record check.

“Felony” means the same as described in Iowa Code section 701.7.

“Fitness determination” means an analysis of criminal history information to determine whether the criminal history information disqualifies an individual from holding a particular position or license either as an employee or a volunteer.

“Misdemeanor” means the same as described in Iowa Code section 701.8.

“National record check” means a criminal history record check from the FBI that is fingerprint-based and is transmitted through the state central repository.

“Non-criminal justice agency” means an agency that is authorized by law to receive criminal history data from the department, that is not a criminal or juvenile justice agency as defined in Iowa Code section 692.1(7), and that is not an institution that trains law enforcement officers for certification under Iowa Code chapter 80B.

“Qualified entity” means a business or organization, whether public, private, for-profit, not-for-profit or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies persons or entities to provide care or care placement services, treatment, education, training, instruction, supervision or recreation to children, the elderly or individuals with disabilities.

“Taking of fingerprints” means obtaining a fully rolled set of inked fingerprint or electronically scanned fingerprint impressions of suitable quality for fingerprint classification and identification.

“Volunteer” means a person who provides services without compensation.

“Working day” means any day except any of the following:

1. Saturday.
2. Sunday.
3. State holiday.
4. Federal holiday during which the administrative office of the submitting agency is closed.
5. Any day during which the administrative office of the submitting agency is closed or relocated due to weather or road conditions or any condition related to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

661—82.3(690,692) Tracking criminal history data. For audit purposes only, the division shall establish an internal procedure for tracking criminal history data expunged from the files of the division.

661—82.4 to 82.100 Reserved.

DIVISION I
CRIMINAL HISTORY DATA

661—82.101(690,692) Release of information. Criminal history data maintained by the records and identification section are public records and are released to criminal justice agencies and the public as authorized by statute. Only the department may release criminal history information maintained by the department to non-criminal justice agencies or persons.

661—82.102(690,692) Right of review. Pursuant to Iowa Code section 692.5(1), any person or the person's attorney has the right to examine and obtain a copy of criminal history data. Providing a copy of a criminal history record pursuant to this rule is subject to the fee provided in rule 661—82.108(692).

661—82.103(690,692) Review of record. An individual or an individual's attorney, acting with written authorization from the individual, may obtain a copy of the individual's criminal history record during normal business hours at the headquarters of the division or by submitting a request on a form provided by the department. A copy of this request form may be obtained by writing to Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; by telephoning the records and identification section at 515.725.6066; or by sending a request by email to dcirecordchecks@dps.state.ia.us. The request form may also be downloaded from the division's website at www.dps.state.ia.us/dci. The completed request form must include submission of the fee established in rule 661—82.108(692).

661—82.104(17A,690,692) Inaccuracies in criminal history record. If an individual believes inaccuracies exist in the individual's criminal history record, notice may be filed with the division outlining the alleged inaccuracies and should be accompanied by any available supporting data pursuant to Iowa Code section 692.5. Any necessary changes shall be made to the individual's criminal history record. A final report shall be made to the individual who filed a notice of correction within 20 days of said filing. If, after notice is filed and the division makes its final report, the individual is still of the opinion that inaccuracies exist within the record, an appeal may be filed pursuant to Iowa Code section 692.5.

661—82.105(17A,690,692) Arresting agency portion of final disposition form. The sheriff of each county and the chief of police of each city shall complete the arresting agency portion of the final disposition forms with the arrest information for all persons whose fingerprints are taken in accordance with these rules or Iowa Code section 690.2, and thereafter forward the form to the appropriate county attorney or, at the discretion of the county attorney, to the clerk of district court, or if the case remains in juvenile court, to the juvenile court officer who received the referral.

661—82.106(690,692) Final disposition form. When a preliminary information or citation is dismissed without new charges being filed or when a case is ignored by a grand jury, the county attorney or juvenile court officer who received the referral shall complete a final disposition form and submit it to the division within 30 days. When an indictment is returned or a county attorney's information is filed, the final disposition form shall be forwarded by the county attorney to the clerk of the court having jurisdiction. The clerk of court shall forward a copy to the agency making the

arrest and the division within 30 days after judgment. If a juvenile is processed through juvenile court services, the juvenile court officer shall forward the disposition form to the division.

661—82.107(692) Scope of record checks for non-criminal justice agencies and individuals.

Record checks made for non-criminal justice agencies and individuals pursuant to these rules are based upon name, including maiden name and aliases, if any, and birth date. This information may not be sufficient to effect a precise identification of a subject. The department, therefore, cannot warrant the completeness or accuracy of the information provided. Agencies and individuals that receive criminal history information are therefore advised to verify all information received from the department to the extent possible (e.g., by contacting the reported arresting agency or court).

661—82.108(692) Fees. All individuals, their attorneys, and other non-criminal justice agencies requesting criminal history information for non-criminal justice purposes shall be assessed a fee. The fee for receipt of criminal history information from the department shall be not more than \$15 for each name for which information is requested. Each alias or maiden name submitted shall be considered a separate name for purposes of computing this fee.

661—82.109(17A,22,692) Requests for criminal history data.

82.109(1) *Requests for criminal history data.* Persons or agencies requesting criminal history data should direct requests in writing using forms or methods approved by the commissioner. Forms to use in requesting criminal history information may be requested by email to dcirecordchecks@dps.state.ia.us, by telephone at 515.725.6066, or from the division's website. The commissioner may authorize additional methods of requesting criminal history information.

82.109(2) *Required approvals.* Any agreement, arrangement or system for the transmission and exchange of criminal history data required to be approved by the commissioner shall be submitted in writing at least 30 days before its proposed effective date.

661—82.110(690) Administrative sanctions.

82.110(1) The commissioner may deny or restrict access to criminal history data maintained by the records and identification section of the division to any agency that fails to comply with the requirements of Iowa Code chapters 690 and 692 for submission of fingerprints and disposition reports to the department. The commissioner shall notify the affected agency in writing prior to denying or restricting access and provide details of the requirements and the nature of the failure to comply.

82.110(2) Any agency that has received notification from the commissioner that the agency's access to criminal history data is to be denied or restricted may protest this action. Protests must be filed with the administrative services division within 30 days of the date of the notification from the commissioner in accordance with 7—Chapter 2506.

661—82.111(692) Criminal history record checks for qualified entities or authorized agencies.

82.111(1) The department may process requests for national criminal history record checks for a qualified entity or authorized agency.

82.111(2) All qualified entities or authorized agencies requesting criminal history record checks shall be required to pay any applicable state and federal fees associated with noncriminal justice record checks. The qualified entity or authorized agency is responsible for such fees whether the qualified entity requests or receives the information directly or through an agency authorized to make fitness determinations as provided in subrule 82.111(3).

82.111(3) Any public entity that has been duly authorized by statute or administrative rule to conduct fitness determinations of volunteers or employees of a qualified entity may receive state and national criminal history record checks.

82.111(4) A school district considering an applicant for a teaching position is a qualified entity pursuant to Iowa Code section 279.13. A school district may submit a request for a national criminal

history record check of an applicant for employment as a teacher. The request shall be submitted on a form designated by the division and be accompanied by completed fingerprint cards for the applicant and the applicable fee. Prior to submitting the request, the district may contact the division by telephone at 515.725.6066 or by email at dcirecordchecks@dps.state.ia.us to obtain instructions on the submission or may consult the website of the division for such information.

661—82.112 to 82.300 Reserved.

DIVISION II
JUVENILE RECORDS

661—82.301(232) Juvenile fingerprints and criminal histories.

82.301(1) *Authority to fingerprint.* A law enforcement agency shall fingerprint and photograph any juvenile consistent with Iowa law and will submit those fingerprints to the division.

82.301(2) *Fingerprints entered into automated fingerprint identification system (AFIS).* Fingerprints of juveniles shall be entered into the AFIS maintained by the department.

82.301(3) *Juvenile criminal histories.*

a. A fingerprint card received for a juvenile suspect shall be used to establish a criminal history record for the suspect.

b. Criminal histories of juveniles over whom jurisdiction has been transferred from juvenile court to adult court shall be handled in the same manner as criminal histories of adults.

c. Criminal histories of juveniles who remain under the jurisdiction of the juvenile court shall be maintained only if the juvenile is adjudicated delinquent based upon an offense that would be a serious or aggravated misdemeanor or felony if committed by an adult. The criminal history record established in response to the division receiving a fingerprint card shall be expunged if the delinquency petition is dismissed. Juvenile court judges shall order that a juvenile be fingerprinted and the prints submitted to the division if the juvenile has been adjudicated delinquent for an offense that would be a serious or aggravated misdemeanor or felony if committed by an adult.

d. Criminal history data of juveniles over whom jurisdiction has not been transferred from juvenile court to adult court shall be expunged when the subject reaches the age of 21 unless the subject has been convicted of a serious or aggravated misdemeanor or a felony when the subject was between the ages of 18 and 21 or unless the retention of the records is necessary for the purpose of administering Iowa Code chapter 692A. If the subject has been convicted of a serious or aggravated misdemeanor or a felony when the subject was between the ages of 18 and 21, the criminal history record shall be maintained in the same manner as adult criminal history data.

These rules are intended to implement Iowa Code chapters 690, 692, and 692B.