

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 8
“Criminal Justice Information”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 692.10

State or federal law(s) implemented by the rulemaking: Iowa Code sections 80.5 and 692.14

Public Hearing

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

September 23, 2026
3:30 to 4 p.m.

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

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Public Safety Department 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 8 and adopt a new chapter in lieu thereof. The proposed chapter governs terminal access to the Iowa Online Warrants and Articles (IOWA) criminal justice information system.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Persons and agencies accessing or wishing to access the IOWA system will bear the costs of this rulemaking.

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

Any individual who has information stored in the IOWA system will benefit from this rulemaking.

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:**

There are no costs associated with accessing the IOWA system.

• **Qualitative description of impact:**

Agencies are responsible for completing a background check on all applicants for positions with access to criminal history files.

3. Costs to the State:

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

There are no costs borne by the agency or any other agency to implement and enforce this rulemaking.

- **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 the security of the system.

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

The Department has determined 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?

This proposed rulemaking will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 8 and adopt the following new chapter in lieu thereof:

CHAPTER 8
CRIMINAL JUSTICE INFORMATION

661—8.1 to 8.100 Reserved.

DIVISION I
IOWA ON-LINE WARRANTS AND ARTICLES SYSTEM

661—8.101(80,692) Iowa on-line warrants and articles (IOWA) criminal justice information system. The IOWA criminal justice information system is administered by the division of

administrative services. The IOWA system provides criminal justice agency access to traffic record and criminal justice databases through a dedicated telecommunications network.

661—8.102(80) Human immunodeficiency virus-related information. An agency may enter human immunodeficiency virus-related (HIV) information into a wanted or missing person file of the IOWA system and the National Crime Information Center operated by the Federal Bureau of Investigation in a manner consistent with IOWA System Operating Manual. HIV information shall be kept confidential and may be communicated only in accordance with this rule.

661—8.103(80,692) IOWA system security. IOWA system terminal access shall be available to criminal justice agencies as defined by Iowa Code section 692.1(7). Prior to being permitted terminal access to the IOWA system, a criminal justice agency shall meet the following criteria:

8.103(1) All terminals shall be located within the facilities or vehicles of authorized agencies where appropriate physical security can be maintained.

8.103(2) The immediate terminal areas shall be restricted to prevent access by unauthorized individuals.

8.103(3) All persons accessing NCIC and the criminal history files shall have been authorized to operate the terminal by the criminal justice agency administrator, been approved by the department of public safety, received the required training and achieved proficiency certification by the department of public safety. Agencies shall do the following:

a. Complete a background investigation on all applicants for positions with access to NCIC and criminal history files and notify the department of public safety upon completion. The background investigation shall be done to ensure the following:

- (1) That the applicant is 18 years of age or older at the time of appointment to the position.
- (2) That the applicant is not addicted to drugs or alcohol.
- (3) That the applicant has not been convicted of a serious crime.

b. Submit two fingerprint cards on all applicants to the Iowa division of criminal investigation. One card will be used to check for any Iowa criminal history, and the second card will be forwarded to the FBI for a national search of criminal history records.

8.103(4) Where IOWA system terminals are not operated on a 24-hour-per-day basis, the terminals shall be physically secured when unattended.

8.103(5) The criminal justice agency administrator shall be directly responsible for ensuring that information received from the IOWA system is restricted for the official use of agency personnel, other criminal justice agencies, or other agencies authorized in writing by the department of public safety.

8.103(6) Any agency desiring direct access to IOWA system files shall make application to the department. Before authorization is granted, the administrator of the applying agency shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures promulgated by the department for system operation, security and discipline. The agreement shall reserve to the department the right to terminate furnishing criminal history or other file information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of this data.

8.103(7) Any agency that has had its authorization to IOWA system files terminated by the department may appeal the termination to the commissioner of public safety in accordance with 661—Chapter 10.

661—8.104(80,692) Subpoenas and court orders. Any agency or individual in possession of criminal history data received from the department that is served with a subpoena, court order, request for production or other legal process demanding the production of criminal history data shall notify the department in writing so that the department has an opportunity to make a timely resistance.

These rules are intended to implement Iowa Code sections 80.5 and 692.14.