



House Republican Staff Analysis

Bill: House File 460/ SF 291
Committee: Judiciary
Date: 3/22/2011
Member: Rep. Baltimore
Staff: Amanda Freel (1-5230)

Summary

This bill deals with discovery of privileged medical records, including mental health records in criminal cases

Summary of Action

- Subcommittee 2/15/2011
 - Committee 2/24/2011
 - Passed House Amended to match SF 291 3/22/11 (87-11)
 - Signed by Governor 3/30/11
-

Section-by-Section Analysis

Iowa Supreme Court has set forth procedure to balance a patient's right to privacy with the defendants right to present evidence to a jury that might influence their decision if privileged mental health records are made available.

The bill does the following:

- Amends the disclosure of mental health records to require that the disclosure follow the procedures in the Code chapter on evidence (622) then goes on to amend that chapter as laid out below
- Criminal case confidentiality is absolute unless one of the following exceptions is met
 - There is no other source and the necessary information is believed to be exculpatory, in which case a motion to the court is necessary.
 - The court must then perform an in camera review and use a balancing test (need for evidence vs. privacy rights)
 - If the evidence passes the test then the court will allow only the portion believed to be exculpatory to be released to the defendant, their counsel, and the prosecutor
- Information obtained any other way than the above procedure is considered inadmissible