

Senate File 234

H-1318

1 Amend Senate File 234, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. NEW SECTION. 13.11 Law enforcement data  
5 collection and reporting.

6 1. Every state and local law enforcement agency shall  
7 collect and compile data on each traffic, bicycle, or  
8 pedestrian stop conducted by its officers, and shall report the  
9 data to the attorney general on or before July 1 of each year,  
10 subject to subsection 3. All of the following information  
11 shall be collected and compiled for each stop, including but  
12 not limited to stops that involve questioning or a driver's  
13 license or motor vehicle registration check but do not result  
14 in the issuance of a written citation or warning:

15 a. The time, date, location, and duration of the stop.

16 b. The reason for the stop.

17 c. Whether the officer performed a driver's license or motor  
18 vehicle registration check.

19 d. Whether the officer issued a citation or an oral or  
20 written warning.

21 e. The offense for which the individual was warned, cited,  
22 or arrested, if applicable.

23 f. The race, ethnicity, sex, and approximate age of the  
24 individual, and whether English is the individual's primary  
25 language. The identification of these characteristics shall be  
26 based primarily on information obtained from the individual's  
27 driver's license or nonoperator's identification card and  
28 secondarily on the observations and perceptions of the officer  
29 performing the stop. The officer shall not be required to  
30 inquire about the individual's race or ethnicity, or whether  
31 English is the individual's primary language, and shall rely  
32 principally on such information encrypted on the individual's  
33 driver's license or nonoperator's identification card pursuant  
34 to section 321.189 or 321.190. The identifying characteristics  
35 of any passenger in the motor vehicle shall also be reported

1 if the stop involved the passenger and the officer performed a  
2 search.

3 *g.* Whether the officer asked for consent to search the  
4 individual or vehicle and whether the individual consented to  
5 the search; whether the officer searched the individual, the  
6 vehicle, or any property, and the basis for the search; and  
7 whether the officer seized any property, a description of the  
8 property seized, and the basis for seizing the property.

9 *h.* Whether the officer used physical force against the  
10 individual and whether the individual used physical force  
11 against the officer.

12 *i.* Any other information which the officer or law  
13 enforcement agency considers appropriate.

14 2. The attorney general shall develop a standardized form to  
15 be used by law enforcement agencies in collecting, compiling,  
16 and reporting the information pursuant to subsection 1.

17 3. *a.* Every state law enforcement agency and every local  
18 law enforcement agency with jurisdiction over a city with a  
19 population of four thousand five hundred or more shall submit  
20 its first report to the attorney general on or before July 1,  
21 2019.

22 *b.* Every local law enforcement agency with jurisdiction over  
23 a city with a population of at least two thousand five hundred  
24 but less than four thousand five hundred shall submit its first  
25 report to the attorney general on or before July 1, 2020.

26 *c.* Every local law enforcement agency with jurisdiction over  
27 a city with a population of less than two thousand five hundred  
28 shall submit its first report to the attorney general on or  
29 before July 1, 2021.

30 4. *a.* Except as otherwise provided by law, a law  
31 enforcement agency shall not grant access to any personal  
32 identifying information contained in the data collected by  
33 the agency to any person except a federal, state, local, or  
34 tribal government employee or agent who requires access to such  
35 information in order to collect, compile, and report the data

1 in accordance with this section.

2     *b.* A law enforcement agency may permit a contractor  
3 or nongovernmental entity to access personal identifying  
4 information contained in the data if the contractor or  
5 nongovernmental entity signs an agreement with the agency  
6 which prohibits further disclosure of the personal identifying  
7 information by the contractor or nongovernmental entity, and  
8 if the contractor or nongovernmental entity is required by the  
9 agreement to maintain adequate security measures to prevent  
10 unauthorized access to the personal identifying information.

11     Sec. \_\_\_\_\_. Section 321.189, subsection 2, paragraph a, Code  
12 2017, is amended to read as follows:

13     *a.* Appearing on the driver's license shall be a  
14 distinguishing number assigned to the licensee; the licensee's  
15 full name, date of birth, sex, and residence address; a  
16 color photograph; a physical description of the licensee;  
17 the name of the state; the dates of issuance and expiration;  
18 and the usual signature of the licensee. The license shall  
19 identify the class of vehicle the licensee may operate and the  
20 applicable endorsements and restrictions which the department  
21 shall require by rule. The licensee's race and ethnicity, and  
22 whether English is the licensee's primary language, shall be  
23 encrypted on the back of the license.

24     Sec. \_\_\_\_\_. Section 321.190, subsection 1, paragraph a, Code  
25 2017, is amended to read as follows:

26     *a.* The department shall, upon application and payment  
27 of the required fee, issue to an applicant a nonoperator's  
28 identification card. To be valid the card shall bear a  
29 distinguishing number other than a social security number  
30 assigned to the cardholder, the full name, date of birth,  
31 sex, residence address, a physical description and a color  
32 photograph of the cardholder, the usual signature of the  
33 cardholder, and such other information as the department may  
34 require by rule. The card shall also contain the cardholder's  
35 race and ethnicity, and whether English is the cardholder's

1 primary language, encrypted on the back of the card. An  
2 applicant for a nonoperator's identification card shall  
3 apply for the card in the manner provided in section 321.182,  
4 subsections 1 through 3. The card shall be issued to the  
5 applicant at the time of application pursuant to procedures  
6 established by rule. An applicant for a nonoperator's  
7 identification card who is required by 50 U.S.C. app. §451  
8 et seq. to register with the United States selective service  
9 system shall be registered by the department with the selective  
10 service system as provided in [section 321.183.](#)>

11 2. Title page, by striking lines 1 through 3 and inserting  
12 <An Act relating to the enforcement of motor vehicle laws,  
13 including annual reports by law enforcement agencies to the  
14 attorney general and the use of electronic communication  
15 devices while driving as a primary offense, and making  
16 penalties applicable.>

17 3. By renumbering as necessary.

---

R. SMITH of Black Hawk