

House File 861

H-1506

1 Amend House File 861 as follows:

2 1. Page 21, after line 30 by inserting:

3 <DIVISION ____

4 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

5 Sec. ____ . NEW SECTION. 13.12 Law enforcement data
6 collection and reporting.

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

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

17 b. The reason for the stop.

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

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

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

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

1 of any passenger in the motor vehicle shall also be reported
2 if the stop involved the passenger and the officer performed a
3 search.

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

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

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

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

18 3. *a.* Every state law enforcement agency, every local law
19 enforcement agency with jurisdiction over a county, and every
20 local law enforcement agency with jurisdiction over a city with
21 a population of four thousand five hundred or more shall submit
22 its first report to the attorney general on or before July 1,
23 2021.

24 *b.* Every local law enforcement agency with jurisdiction over
25 a city with a population of at least two thousand five hundred
26 but less than four thousand five hundred shall submit its first
27 report to the attorney general on or before July 1, 2022.

28 *c.* Every local law enforcement agency with jurisdiction over
29 a city with a population of less than two thousand five hundred
30 shall submit its first report to the attorney general on or
31 before July 1, 2023.

32 4. *a.* Except as otherwise provided by law, a law
33 enforcement agency shall not grant access to any personal
34 identifying information contained in the data collected by
35 the agency to any person except a federal, state, local, or

1 tribal government employee or agent who requires access to such
2 information in order to collect, compile, and report the data
3 in accordance with this section.

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

13 5. On or before December 15, 2021, and each year thereafter,
14 the attorney general shall publish a report on the attorney
15 general's internet site containing the compiled data and
16 reports received by the attorney general pursuant to this
17 section for the period ending July 1 of the calendar year in
18 which the report is published. The report shall not contain
19 any unique personal identifying information of any peace
20 officer or other person involved in a particular incident,
21 including but not limited to names and badge numbers.

22 Sec. _____. Section 321.189, subsection 2, paragraph a, Code
23 2021, is amended to read as follows:

24 *a.* Appearing on the driver's license shall be a
25 distinguishing number assigned to the licensee; the licensee's
26 full name, date of birth, sex, and residence address; a
27 color photograph; a physical description of the licensee;
28 the name of the state; the dates of issuance and expiration;
29 and the usual signature of the licensee. The license shall
30 identify the class of vehicle the licensee may operate and the
31 applicable endorsements and restrictions which the department
32 shall require by rule. The licensee's race and ethnicity, and
33 whether English is the licensee's primary language, shall be
34 encrypted on the back of the license.

35 Sec. _____. Section 321.190, subsection 1, paragraph a, Code

1 2021, is amended to read as follows:

2 *a.* The department shall, upon application and payment
3 of the required fee, issue to an applicant a nonoperator's
4 identification card. To be valid the card shall bear a
5 distinguishing number other than a social security number
6 assigned to the cardholder, the full name, date of birth,
7 sex, residence address, a physical description and a color
8 photograph of the cardholder, the usual signature of the
9 cardholder, and such other information as the department may
10 require by rule. The card shall also contain the cardholder's
11 race and ethnicity, and whether English is the cardholder's
12 primary language, encrypted on the back of the card. An
13 applicant for a nonoperator's identification card shall
14 apply for the card in the manner provided in section 321.182,
15 subsections 1 through 3. The card shall be issued to the
16 applicant at the time of application pursuant to procedures
17 established by rule. An applicant for a nonoperator's
18 identification card who is required by 50 U.S.C. app. §451
19 et seq. to register with the United States selective service
20 system shall be registered by the department with the selective
21 service system as provided in [section 321.183.](#)>

22 2. Title page, line 1, after <system> by inserting <, and
23 law enforcement data collection and reporting>

24 3. By renumbering as necessary.

THEDE of Scott