

Senate File 2284

H-8364

1 Amend Senate File 2284, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, by striking lines 1 through 23 and inserting:

4 <Section 1. Section 321P.1, Code 2026, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 1A. *"Automatic registration plate reader"* or
7 *"plate reader"* means a camera or other optical device designed
8 to detect a registration plate or vehicle and capture an image
9 of the registration plate or vehicle independent of a person
10 exercising control of the camera or other optical device
11 when the image is captured. *"Plate reader"* includes a device
12 designed to work in conjunction with a camera or optical device
13 to store images of registration plates or vehicles captured
14 by the camera or optical device and a computer program or
15 application that can be used to search for or copy an image of a
16 registration plate or vehicle, with or without an algorithm.>

17 2. Page 3, after line 4 by inserting:

18 <Sec. ____ . NEW SECTION. 321P.20 Use of automatic
19 registration plate readers — local ordinance required — facial
20 recognition prohibited.

21 1. A person shall not use an automatic registration plate
22 reader in a local authority unless the governing body of the
23 local authority adopts an ordinance authorizing the use of
24 plate readers.

25 2. If the governing body of a local authority authorizes
26 the use of plate readers, the ordinance must include all of the
27 following:

28 a. All vendors who provide plate readers, and any related
29 services, in the local authority.

30 b. The employment classification of persons who are
31 authorized to access a plate reader to search for a
32 registration plate or vehicle.

33 3. A person shall not use and the governing body of a local
34 authority shall not authorize the use of a plate reader that is
35 not approved by the department of public safety.

1 4. Notwithstanding section 331.302, subsection 6, and
2 section 380.3, the governing body of a local authority that
3 is considering an ordinance to authorize the use of a plate
4 reader shall not suspend the requirements of section 331.302,
5 subsection 6, or section 380.3, as applicable.

6 5. A person shall not use a plate reader that is enabled
7 to recognize or identify a person based on an image of the
8 person's face captured by the plate reader. A person who uses
9 a plate reader shall not use software to recognize or identify
10 a person based on an image of the person's face captured by the
11 plate reader.

12 Sec. ____ . NEW SECTION. **321P.21 Plate reader searches and**
13 **alerts.**

14 1. A person shall not access an automatic registration plate
15 reader to search for a registration plate or vehicle unless
16 authorized.

17 2. *a.* A person shall not access a plate reader to search
18 for a registration plate or vehicle unless the search is
19 related to a call for service or case and the call for service
20 or case is identified by an assigned specific number.

21 *b.* Notwithstanding paragraph "a", if exigent circumstances
22 exist and a specific number has not been assigned to a call
23 for service or case, a person authorized to access a plate
24 reader may search for a registration plate or vehicle without
25 providing a call for service number or case number at the time
26 of the search. The person shall add the call for service
27 number or case number, as applicable, after the number is
28 assigned.

29 3. If a plate reader is programmed to create an alert when
30 the plate reader recognizes a particular registration plate or
31 vehicle, a law enforcement officer shall verify that reasonable
32 suspicion exists to stop the vehicle prior to taking any
33 further action relating to the alert.

34 Sec. ____ . NEW SECTION. **321P.22 Search logs, reports, and**
35 **audits.**

1 1. An entity that employs a person who is authorized to
2 access an automatic registration plate reader to search for a
3 registration plate or vehicle shall maintain a search log and
4 retain the search log records for at least one year. A search
5 log is not subject to the deletion requirement under section
6 321P.23, subsection 1.

7 2. When accessing a plate reader to search for a
8 registration plate or vehicle, the person performing the search
9 shall record the search in the search log required under
10 subsection 1. The record must include the person's name, the
11 reason for the search, and the associated call for service
12 number or case number.

13 3. An entity that maintains a search log shall audit the
14 search log at least every four months. The entity shall report
15 the results of the audit on the entity's internet site, if it
16 has one.

17 Sec. ____ . NEW SECTION. 321P.23 Deletion requirement —
18 **copies excepted — dissemination.**

19 1. Every image of a registration plate or vehicle captured
20 by an automatic registration plate reader, and any other
21 accompanying data, shall be deleted no later than thirty days
22 after the image was captured.

23 2. Prior to deletion under subsection 1, an image of a
24 registration plate or vehicle captured by a plate reader, and
25 any other accompanying data, may be copied and saved on a
26 device that is not a plate reader if the image and data are
27 relevant to an ongoing criminal case or investigation. Copied
28 images and data are not subject to deletion under subsection 1,
29 but shall be maintained in accordance with applicable evidence
30 retention policies.

31 3. A person who copies an image or data from a plate reader
32 shall record the fact that copies were made in the search log
33 under section 321P.22, subsection 1. The person shall include
34 the reason for making copies and the related call for service
35 number or case number, as applicable.

1 4. Except as provided in subsection 5, a person shall not
2 disseminate a copy of an image or data from a plate reader to a
3 third party unless the third party is one of the following:

- 4 a. A peace officer or law enforcement agency.
- 5 b. A person who has a contract with a law enforcement agency
6 for the sole purpose of protecting public safety, conducting
7 criminal investigations, or ensuring compliance with federal,
8 state, or local law.
- 9 c. The national insurance crime bureau or its successor
10 organization, an insurance carrier, or an insurance support
11 organization, solely for the purpose of investigating insurance
12 fraud, assisting in vehicle recovery, or adjudicating insurance
13 claims.

14 5. Subsection 4 shall not be construed to prohibit a person
15 from sharing copied images and data from a plate reader under
16 any of the following circumstances:

- 17 a. As evidence in a proceeding if the images and data are
18 otherwise admissible pursuant to the Iowa rules of evidence.
- 19 b. With a potential witness to the extent necessary
20 to investigate a crime or identify a person suspected of
21 committing a crime.
- 22 c. With legal counsel, an insurer, or another person to
23 obtain legal advice, defend a claim, or otherwise comply with a
24 lawful obligation.
- 25 d. With the plate reader vendor for use, after processing
26 anonymized or redacted derivatives of images or data pursuant
27 to a written agreement, solely in conjunction with operating,
28 securing, testing, or improving the vendor's services.

29 6. A person shall not use an image of a registration
30 plate or data collected by a plate reader in this state for
31 marketing, profiling, or commercial purposes. This subsection
32 shall not be construed to prohibit a person's use of an image
33 or data captured by a plate reader in a manner authorized under
34 this section.

35 Sec. ____ . NEW SECTION. 321P.24 Approved plate readers,

1 **vendors, and state entities.**

2 1. The department of public safety shall develop and
3 maintain a list of approved automatic registration plate
4 readers and vendors.

5 2. *a.* A state agency, department, division, board,
6 commission, institution, or authority may use an automatic
7 registration plate reader notwithstanding section 321P.20,
8 subsections 1 and 2, only if such use is approved by the
9 commissioner of public safety.

10 *b.* If the commissioner of public safety approves such a
11 state entity's use of a plate reader, the commissioner shall
12 also approve, in accordance with the applicable state entity's
13 classification designations, the employment classification
14 of persons who are authorized to access a plate reader to
15 search for a registration plate or vehicle. The commissioner's
16 approval is valid for one year and the commissioner may
17 reapprove the continued use of a plate reader for additional
18 terms not to exceed one year.

19 3. The department of public safety shall adopt rules
20 pursuant to chapter 17A to administer this section. The rules
21 must include a list of approved plate readers, vendors, and
22 state entities.

23 Sec. _____. NEW SECTION. 321P.25 **Criminal penalty.**

24 A person who does an act forbidden or fails to perform an act
25 required by sections 321P.20 through 321P.23 commits a simple
26 misdemeanor.

27 Sec. _____. NEW SECTION. 321P.26 **Applicability.**

28 Sections 321P.20 through 321P.23 do not apply to a person
29 who uses an automatic registration plate reader at the person's
30 private property or business.

31 Sec. _____. Section 692.1, subsections 14 and 16, Code 2026,
32 are amended to read as follows:

33 14. "*Intelligence data*" means information on identifiable
34 individuals, including but not limited to historical location
35 information collected by an automatic registration plate

1 reader, as defined in section 321P.1, compiled in an effort to
2 anticipate, prevent, or monitor possible criminal activity.

3 16. "*Surveillance data*" means information on individuals,
4 pertaining to participation in organizations, groups, meetings,
5 or assemblies, including but not limited to historical location
6 information collected by an automatic registration plate
7 reader, as defined in section 321P.1, where there are no
8 reasonable grounds to suspect involvement or participation in
9 criminal activity by any person.

10 Sec. ____ . REPEAL. Section 321P.4, Code 2026, is repealed.>

11 3. Title page, by striking line 3 and inserting <providing
12 penalties.>

13 4. By renumbering as necessary.

JONES of Clay

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