

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA PUBLIC
INFORMATION BOARD BILL)

A BILL FOR

1 An Act relating to the confidentiality of records and
2 information compiled for law enforcement purposes and
3 creating a law enforcement body camera recordings interim
4 workgroup.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 5, Code 2018, is amended
2 by striking the subsection and inserting in lieu thereof the
3 following:

4 5. Records or information compiled for law enforcement
5 purposes, excluding the date, time, specific location, and
6 immediate facts and circumstances surrounding a crime or
7 incident, and only to the extent that the production of such
8 law enforcement records or information could reasonably be
9 expected to do any of the following:

- 10 a. Interfere with enforcement proceedings.
11 b. Deprive a person of a right to a fair trial or an
12 impartial adjudication.
13 c. Constitute an unwarranted invasion of personal privacy.
14 d. Disclose the identity of a confidential source, including
15 a state, local, or foreign agency or authority, or private
16 institution which furnished information on a confidential
17 basis, and, in the case of a record or information compiled
18 by a law enforcement agency in the course of a criminal
19 investigation or by an agency conducting a lawful national
20 security intelligence investigation, information furnished by
21 a confidential source.
22 e. Disclose techniques and procedures for law enforcement
23 investigations or prosecution if such disclosure could
24 reasonably be expected to risk circumvention of the law.
25 f. Endanger the life or physical safety of any individual.

26 Sec. 2. LAW ENFORCEMENT BODY CAMERA RECORDINGS — INTERIM
27 WORKGROUP.

28 1. The Iowa public information board shall convene a
29 stakeholder workgroup to meet during the 2018 legislative
30 interim to examine issues and develop policy recommendations
31 relating to the use, storage, cost, retention, public
32 inspection, and confidentiality of law enforcement body
33 camera video and audio recordings. The workgroup shall
34 comprehensively review and analyze such information and submit
35 findings and recommendations including any recommendations for

1 proposed legislation from workgroup member organizations and
2 from state departments and agencies, including but not limited
3 to the department of public safety, the Iowa public information
4 board, the office of ombudsman, the Iowa law enforcement
5 academy, the judicial branch, the state board of regents, and
6 other appropriate organizations.

7 2. The workgroup shall consist of eight voting members and
8 four ex officio, nonvoting legislative members.

9 3. The following eight members appointed by the following
10 organizations shall serve as voting members:

- 11 a. The Iowa public information board.
- 12 b. The Iowa freedom of information council.
- 13 c. The Iowa newspaper association.
- 14 d. The department of justice.
- 15 e. The Iowa peace officers association.
- 16 f. The Iowa police chiefs association.
- 17 g. The Iowa coalition against domestic violence.
- 18 h. The department of public safety.

19 4. Two members of the senate and two members of the house of
20 representatives shall serve as ex officio, nonvoting members
21 of the workgroup and shall be appointed by the majority and
22 minority leaders of the senate and the speaker and minority
23 leader of the house of representatives.

24 5. The workgroup may meet up to two times during the
25 2018 legislative interim and shall submit findings and
26 recommendations including any recommendations for proposed
27 legislation in a report to the general assembly by November 1,
28 2018.

29 6. a. Notwithstanding section 7E.6, workgroup members
30 shall not receive reimbursement for actual expenses for
31 the performance of their official duties as members of the
32 workgroup, but may seek reimbursement for expenses from the
33 member's organization.

34 b. Notwithstanding section 2.10, legislative members shall
35 not receive a per diem and shall not receive reimbursement

1 for necessary travel and actual expenses incurred in the
2 performance of their official duties while a member of the
3 workgroup.

4 c. The Iowa public information board is authorized to
5 allocate up to one thousand dollars from the operating budget
6 of the board to pay the costs of the workgroup.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the confidentiality of records and
11 information compiled for law enforcement purposes by a law
12 enforcement agency and creates a law enforcement body camera
13 recordings interim workgroup.

14 Under the bill, records or information compiled for law
15 enforcement purposes shall not be kept confidential if the
16 records and information relate to the date, time, specific
17 location, and immediate facts and circumstances surrounding
18 a crime or incident. All other law enforcement records and
19 information are to be kept confidential under the bill only to
20 the extent that the production of such law enforcement records
21 or information could reasonably be expected to do any of the
22 following: interfere with enforcement proceedings, deprive a
23 person of a right to a fair trial or an impartial adjudication,
24 constitute an unwarranted invasion of personal privacy,
25 disclose the identity of a confidential source, disclose
26 techniques and procedures for law enforcement investigations or
27 prosecution if such disclosure could reasonably be expected to
28 risk circumvention of the law, or endanger the life or physical
29 safety of any individual.

30 The bill authorizes the Iowa public information board
31 to convene a stakeholder workgroup to meet during the 2018
32 legislative interim to examine issues and develop policy
33 recommendations relating to the use, storage, cost, retention,
34 public inspection, and confidentiality of law enforcement
35 body camera video and audio recordings. The bill instructs

1 the workgroup to comprehensively review and analyze such
2 information and submit findings and recommendations including
3 any proposed legislation.

4 The bill specifies that the workgroup shall consist of eight
5 voting members. The eight voting members shall consist of
6 representatives of the following organizations or governmental
7 agencies: the Iowa public information board, the Iowa freedom
8 of information council, the Iowa newspaper association, the
9 department of justice, the Iowa peace officers association,
10 the Iowa police chiefs association, the Iowa coalition against
11 domestic violence, and the department of public safety.

12 The bill also specifies that the workgroup shall also
13 consist of four ex officio, nonvoting legislative members with
14 each member separately appointed by the majority and minority
15 leaders in each chamber.

16 The bill authorizes the workgroup to meet up to two times
17 during the 2018 legislative interim and to submit findings and
18 recommendations including any recommendations for proposed
19 legislation in a report to the general assembly by November 1,
20 2018.

21 The bill does not authorize any workgroup (legislative and
22 nonlegislative) member to receive reimbursement for actual or
23 travel expenses or to receive a per diem.

24 The bill authorizes the Iowa public information board to
25 allocate up to \$1,000 from the operating budget of the board to
26 pay the administrative costs of the workgroup.