

# Senate Study Bill 134

## Bill Text

PAG LIN

1 1 Section 1. Section [22.7](#), Code 1997, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 37. Records of a law enforcement agency  
1 4 or the state department of transportation regarding the  
1 5 issuance of a motor vehicle license under section 321.189A.

1 6 Sec. 2. NEW SECTION. 321.189A MOTOR VEHICLE LICENSE FOR  
1 7 UNDERCOVER LAW ENFORCEMENT OFFICERS - FEE - PENALTIES.

1 8 1. The department may issue undercover motor vehicle  
1 9 licenses to certified peace officers employed by a local  
1 10 authority or by the state or federal law enforcement officers  
1 11 for use in the line of duty when a fictitious identity is  
1 12 necessary. The department, in cooperation with the  
1 13 commissioner of public safety, shall adopt rules pursuant to  
1 14 chapter 17A regarding the issuance, use, and cancellation of  
1 15 licenses issued pursuant to this section.

1 16 2. A license issued pursuant to this section shall only be  
1 17 issued to a certified peace officer or federal law enforcement  
1 18 officer, who is qualified to obtain the class of license  
1 19 sought, at the request of the law enforcement agency employing  
1 20 the officer for official use when the officer is involved in  
1 21 duty in which a fictitious identity is necessary. An officer  
1 22 issued a license pursuant to this section shall surrender the  
1 23 license when the license is no longer needed.

1 24 3. a. A license issued pursuant to this section shall  
1 25 only be used in the line of duty when it is necessary for the  
1 26 officer holding the license to assume a fictitious identity.  
1 27 An officer issued a license pursuant to this section shall  
1 28 report as soon as practical to the law enforcement agency  
1 29 employing the officer any traffic citation issued to the  
1 30 officer while using the officer's fictitious identity.

1 31 b. An officer using a license issued under this section  
1 32 shall not be prosecuted for a public offense under this  
1 33 chapter if the offense was committed in the line of duty and  
1 34 was necessary to protect the identity of the officer.

1 35 4. a. An officer who provides the department false  
2 1 information for the purposes of obtaining a license under this  
2 2 section commits a class "D" felony.

2 3 b. An officer who displays or uses a license issued  
2 4 pursuant to this section during the commission or attempted  
2 5 commission of a public offense other than a public offense  
2 6 referred to in subsection 3 or who knowingly permits another  
2 7 person to use the license issued under this section commits a  
2 8 class "D" felony.

2 9 c. An officer who displays or uses a license issued  
2 10 pursuant to this section in any manner which is not a public  
2 11 offense but which is not authorized under this section or who  
2 12 knowingly fails or refuses to surrender the license upon  
2 13 demand by the department commits an aggravated misdemeanor.

2 14 5. The fee for issuing a license under this section shall  
2 15 be the same as for licenses issued pursuant to section  
2 16 321.189.

2 17 6. The department shall keep as confidential public  
2 18 records under section 22.7, all records regarding licenses  
2 19 issued under this section.

2 20 EXPLANATION

2 21 This bill authorizes the state department of transportation

2 22 to issue a motor vehicle license to a peace officer or federal  
2 23 law enforcement officer for the purpose of providing the  
2 24 officer with a fictitious identity for use in the line of  
2 25 duty. The officer must also be qualified to obtain the type of  
2 26 license sought. The department of transportation is directed  
2 27 to adopt administrative rules under chapter 17A in cooperation  
2 28 with the commissioner of public safety to implement the  
2 29 provisions of this bill. Motor vehicle licenses include  
2 30 driver's licenses, chauffeur's licenses, commercial driver's  
2 31 licenses, and motorcycle licenses.

2 32 The bill provides that undercover licenses shall only be  
2 33 issued at the request of the law enforcement agency employing  
2 34 the officer who needs the license and limits use of the  
2 35 license to official duty when a fictitious identity is  
3 1 necessary. When the officer no longer needs the license for  
3 2 undercover duties, the license shall be surrendered.

3 3 The bill also requires the officer using the fictitious  
3 4 identity to report traffic citations issued the officer while  
3 5 using the undercover license. An officer using an undercover  
3 6 license on official business is not subject to prosecution for  
3 7 violations of chapter 321 if the violation was necessary to  
3 8 protect the identity of the officer.

3 9 An officer who provides false information to the department  
3 10 to obtain an undercover license, who uses the license during  
3 11 the commission of a crime other than provided for by the bill,  
3 12 or who knowingly allows another person to use the license  
3 13 commits a class "D" felony. A person who uses the license  
3 14 improperly, without committing a public offense, or who fails  
3 15 to surrender the license commits an aggravated misdemeanor.

3 16 The bill provides that the fee for an undercover license is  
3 17 the same as for issuance of any of the regular licenses issued  
3 18 by the department. In addition, records regarding the  
3 19 issuance of an undercover license are confidential public  
3 20 records.

3 21 LSB 1709SC 77

3 22 mk/cf/24