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JUDICIARY

HOUSE FILE 390
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(COMPANION TO SF 142 BY BOLKCOM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to collecting and disseminating information
2 concerning motor vehicle stops.

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

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HF 390

1 Section 1. Section 80.9, subsection 2, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. k. To collect and disseminate data about
4 motor vehicle stops pursuant to section 80.40.

5 Sec. 2. NEW SECTION. 80.40 DATA COLLECTION.

6 1. The department of public safety shall establish a
7 central repository for the collection and dissemination of
8 data and information pertaining to motor vehicles stopped by
9 departmental personnel and local law enforcement agencies for
10 alleged traffic violations. The department and local law
11 enforcement agencies shall furnish data to the central
12 repository about each motor vehicle stop. The individual data
13 of the driver to be collected shall include, but is not
14 limited to, the driver's race or ethnicity, age, and gender.
15 The individual data of the driver shall be obtained from the
16 driver's license or based upon the perceptions of the peace
17 officer responsible for collecting the data. However, the
18 peace officer shall not be required to question the driver
19 about the driver's individual data. The data shall include
20 the name of the peace officer who stopped the vehicle, whether
21 a search of the vehicle was conducted, if the search was
22 conducted with the consent of the driver or based on probable
23 cause, and the type of any property seized. The data shall
24 also include whether a citation was issued or an arrest was
25 made, the type of citation issued or the basis for the arrest,
26 and whether any injuries were sustained by the officer or any
27 other person and the reason for such injuries.

28 2. A peace officer shall furnish a business card to the
29 driver of any vehicle stopped. The card shall contain the
30 name and telephone number of the law enforcement agency
31 employing the officer, and the name of the officer.

32 3. The department shall adopt rules pursuant to chapter
33 17A to administer this section.

34 4. The department shall submit an annual report to the
35 general assembly by January 31 of each year based upon the

1 information collected from the department and local law
2 enforcement agencies.

3 Sec. 3. Section 331.653, Code 2001, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 44. Furnish data to the department of
6 public safety concerning motor vehicle stops pursuant to
7 section 80.40.

8 Sec. 4. NEW SECTION. 364.22B DATA COLLECTION.

9 The chief of police shall furnish data to the department of
10 public safety concerning motor vehicle stops pursuant to
11 section 80.40.

12 Sec. 5. Section 690.1, Code 2001, is amended to read as
13 follows:

14 690.1 CRIMINAL IDENTIFICATION AND MOTOR VEHICLE STOP DATA.

15 The commissioner of public safety may provide in the
16 department a bureau of criminal identification. The
17 commissioner may adopt rules for the same. The sheriff of
18 each county and the chief of police of each city shall furnish
19 to the department criminal identification records, motor
20 vehicle stop data pursuant to section 80.40, and other
21 information as directed by the commissioner of public safety.

22 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
23 3, shall not apply to this Act.

24 EXPLANATION

25 This bill establishes a central repository in the
26 department of public safety for the purpose of collecting and
27 disseminating information about motor vehicle stops.

28 The bill provides that the department of public safety and
29 local law enforcement agencies making a traffic stop shall
30 collect information which shall include, but is not limited
31 to, the driver's race or ethnicity, age, gender, whether a
32 search of the vehicle was conducted with the consent of the
33 driver or based on probable cause, and the type of any
34 property seized. The data collected shall include whether a
35 citation was issued or an arrest was made, the type of

1 citation issued or the basis for the arrest, whether any
2 injuries were sustained by the officer or any other person,
3 and the reason for such injuries. The data shall also include
4 the name of the police officer making the stop. The bill
5 provides that the information shall be collected from the
6 driver's license or based upon the perceptions of the officer.
7 The bill does not require an officer to question a driver
8 about information collected pursuant to the bill. The bill
9 does require that an officer furnish a business card to the
10 driver, which contains the name and telephone number of the
11 law enforcement agency employing the officer, and the name of
12 the officer.

13 The bill may include a state mandate as defined in Code
14 section 25B.3. The bill makes inapplicable Code section
15 25B.2, subsection 3, which would relieve a political
16 subdivision from complying with a state mandate if funding for
17 the cost of the state mandate is not provided or specified.
18 Therefore, political subdivisions are required to comply with
19 any state mandate included in the bill.

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