

House File 2646 - Introduced

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A BILL FOR

1 An Act relating to annual reports submitted by law enforcement
2 agencies to the attorney general regarding information
3 collected during traffic, bicycle, or pedestrian stops.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 13.12 Law enforcement data
2 collection and reporting.

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

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

13 b. The reason for the stop.

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

16 d. Whether the officer issued a citation or an oral or
17 written warning.

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

20 f. The race, ethnicity, sex, and approximate age of the
21 individual, and whether English is the individual's primary
22 language. The identification of these characteristics shall be
23 based primarily on information obtained from the individual's
24 driver's license or nonoperator's identification card and
25 secondarily on the observations and perceptions of the officer
26 performing the stop. The officer shall not be required to
27 inquire about the individual's race or ethnicity, or whether
28 English is the individual's primary language, and shall rely
29 principally on such information encrypted on the individual's
30 driver's license or nonoperator's identification card pursuant
31 to section 321.189 or 321.190. The identifying characteristics
32 of any passenger in the motor vehicle shall also be reported
33 if the stop involved the passenger and the officer performed a
34 search.

35 g. Whether the officer asked for consent to search the

1 individual or vehicle and whether the individual consented to
2 the search; whether the officer searched the individual, the
3 vehicle, or any property, and the basis for the search; and
4 whether the officer seized any property, a description of the
5 property seized, and the basis for seizing the property.

6 *h.* Whether the officer used physical force against the
7 individual and whether the individual used physical force
8 against the officer.

9 *i.* Any other information which the officer or law
10 enforcement agency considers appropriate.

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

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

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

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

27 4. *a.* Except as otherwise provided by law, a law
28 enforcement agency shall not grant access to any personal
29 identifying information contained in the data collected by
30 the agency to any person except a federal, state, local, or
31 tribal government employee or agent who requires access to such
32 information in order to collect, compile, and report the data
33 in accordance with this section.

34 *b.* A law enforcement agency may permit a contractor
35 or nongovernmental entity to access personal identifying

1 information contained in the data if the contractor or
2 nongovernmental entity signs an agreement with the agency
3 which prohibits further disclosure of the personal identifying
4 information by the contractor or nongovernmental entity, and
5 if the contractor or nongovernmental entity is required by the
6 agreement to maintain adequate security measures to prevent
7 unauthorized access to the personal identifying information.

8 Sec. 2. Section 321.189, subsection 2, paragraph a, Code
9 2020, is amended to read as follows:

10 a. Appearing on the driver's license shall be a
11 distinguishing number assigned to the licensee; the licensee's
12 full name, date of birth, sex, and residence address; a
13 color photograph; a physical description of the licensee;
14 the name of the state; the dates of issuance and expiration;
15 and the usual signature of the licensee. The license shall
16 identify the class of vehicle the licensee may operate and the
17 applicable endorsements and restrictions which the department
18 shall require by rule. The licensee's race and ethnicity, and
19 whether English is the licensee's primary language, shall be
20 encrypted on the back of the license.

21 Sec. 3. Section 321.190, subsection 1, paragraph a, Code
22 2020, is amended to read as follows:

23 a. The department shall, upon application and payment
24 of the required fee, issue to an applicant a nonoperator's
25 identification card. To be valid the card shall bear a
26 distinguishing number other than a social security number
27 assigned to the cardholder, the full name, date of birth,
28 sex, residence address, a physical description and a color
29 photograph of the cardholder, the usual signature of the
30 cardholder, and such other information as the department may
31 require by rule. The card shall also contain the cardholder's
32 race and ethnicity, and whether English is the cardholder's
33 primary language, encrypted on the back of the card. An
34 applicant for a nonoperator's identification card shall
35 apply for the card in the manner provided in section 321.182,

1 subsections 1 through 3. The card shall be issued to the
2 applicant at the time of application pursuant to procedures
3 established by rule. An applicant for a nonoperator's
4 identification card who is required by 50 U.S.C. app. §451
5 et seq. to register with the United States selective service
6 system shall be registered by the department with the selective
7 service system as provided in [section 321.183](#).

8

EXPLANATION

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

11 This bill requires that every state and local law
12 enforcement agency collect and compile data on each traffic,
13 bicycle, or pedestrian stop conducted by the agency's officers
14 and report that data to the attorney general on or before July
15 1 of each year. The bill describes the information that a law
16 enforcement agency's officers must collect and compile for each
17 stop, including the time, date, location, and duration of the
18 stop; the reason for the stop; whether the officer performed a
19 driver's license or motor vehicle registration check; whether
20 the officer issued a citation or warning; the offense for which
21 an individual was warned, cited, or arrested; whether the
22 officer asked for consent to search the individual or vehicle
23 and whether the individual consented to the search; whether
24 the officer searched the individual, vehicle, or any property
25 and the basis for the search; whether the officer seized any
26 property and a description of the property and basis for
27 seizing the property; whether the officer used physical force
28 against the individual and whether the individual used physical
29 force against the officer; and any other information which the
30 officer or law enforcement agency considers appropriate.

31 The bill also requires a law enforcement agency's officers
32 to collect the race, ethnicity, and approximate age of the
33 individual, and whether English is the individual's primary
34 language. However, the identification of these characteristics
35 must be based primarily on information obtained from the

1 individual's driver's license or nonoperator's identification
2 card and secondarily on the observations and perceptions of the
3 officer performing the stop. The bill further requires that
4 an individual's race and ethnicity, and whether English is the
5 individual's primary language, be encrypted on the back of an
6 individual's driver's license or nonoperator's identification
7 card, and an officer must principally rely on this encrypted
8 data when collecting the information required by the bill.

9 The bill requires the attorney general to develop a form to
10 be used by law enforcement agencies in collecting, compiling,
11 and reporting the information required by the bill.

12 The bill requires that every state law enforcement agency
13 and local law enforcement agency with jurisdiction over a city
14 with a population of 4,500 or more to submit its first report
15 to the attorney general on or before July 1, 2021. Every local
16 law enforcement agency with jurisdiction over a city with a
17 population of at least 2,500 but less than 4,500 is required
18 to submit its first report on or before July 1, 2022. Lastly,
19 every local law enforcement agency with jurisdiction over a
20 city with a population of less than 2,500 is required to submit
21 its first report on or before July 1, 2023.

22 The bill provides that a law enforcement agency is not
23 allowed to grant access to the personal identifying information
24 contained in the data collected by the agency to any person,
25 subject to exceptions for certain government employees and
26 agents and certain contractors or nongovernmental entities.