

House Study Bill 141 - Introduced

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

A BILL FOR

1 An Act relating to the confidentiality of peace officer body
2 camera data under Iowa's open records law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2019, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 5A. Body camera data, except as follows:

4 a. (1) If a subject of an encounter has a reasonable
5 expectation of privacy at the time of the encounter, any
6 contents of a body camera recording of the subject of the
7 encounter relating to the filing of a complaint, the discharge
8 of a firearm, the use of force, an arrest or detention, or an
9 action resulting in death or bodily harm shall be available for
10 inspection and copying if all of the following apply:

11 (a) The subject of the encounter captured on the recording
12 is a victim or witness.

13 (b) The lawful custodian obtains written permission from
14 the subject or the subject's legal representative.

15 (2) The subject of an encounter referred to in subparagraph
16 (1) does not have a reasonable expectation of privacy if
17 the subject is arrested because of the encounter or matters
18 relating to the encounter.

19 b. Only recordings or portions of recordings responsive to
20 a request for access to the recording shall be available for
21 inspection or copying.

22 c. Any portion of a recording that identifies a subject
23 who is not a peace officer, a subject of the encounter, or a
24 subject directly involved in the encounter shall be redacted to
25 remove identifying information of the subject.

26 d. Any recording which is identified as relating to the
27 filing of a complaint, the discharge of a firearm, the use
28 of force, an arrest or detention, or an action resulting in
29 death or bodily harm shall be subject to inspection and copying
30 except as provided in paragraph "a".

31 e. Upon request, a lawful custodian shall permit inspection
32 and copying of a recording by a subject of an encounter,
33 the subject's attorney, or a peace officer involved in the
34 encounter or depicted on the recording or the peace officer's
35 legal representative.

1 f. For purposes of this subsection:

2 (1) "Body camera" means an electronic device that is capable
3 of recording video and audio data or capable of transmitting
4 video and audio data to be recorded remotely, and is worn on
5 the person of a peace officer, which includes being attached to
6 the officer's clothing or worn on eyeglasses.

7 (2) "Encounter" includes but is not limited to traffic
8 stops, pedestrian stops, arrests, searches, interrogations,
9 investigations, pursuits, crowd control, traffic control,
10 interactions with persons while on patrol, or any other
11 instance involving a peace officer.

12 (3) "Peace officer" means a peace officer defined in section
13 801.4, subsection 11, paragraph "a", "b", "c", "f", "g", "h",
14 or "i", or a certified law enforcement officer under section
15 80B.18.

16 (4) "Subject" means a person whose image or voice is
17 recorded by a body camera.

18 (5) "Witness" does not include a person who is a victim or
19 who was arrested because of the encounter or matters relating
20 to the encounter.

21

EXPLANATION

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

24 This bill relates to access to peace officer body camera data
25 under the Iowa open records law.

26 The bill defines "body camera" to mean an electronic device
27 that is capable of recording video and audio data or capable of
28 transmitting video and audio data to be recorded remotely, and
29 is worn on the person of a peace officer, which includes being
30 attached to the officer's clothing or worn on eyeglasses.

31 The bill defines "peace officer" to mean a peace officer
32 defined in Code section 801.4, subsection 11, paragraph "a",
33 "b", "c", "f", "g", "h", or "i", or a certified law enforcement
34 officer under Code section 80B.18.

35 The bill defines "encounter" to include but not be limited

1 to traffic stops, pedestrian stops, arrests, searches,
2 interrogations, investigations, pursuits, crowd control,
3 traffic control, interactions with persons while on patrol, or
4 any other instance involving a peace officer.

5 The bill defines "subject" to mean a person whose image or
6 voice is recorded by a body camera.

7 The bill defines that "witness" does not include a person
8 who is a victim or who was arrested because of the encounter or
9 matters relating to the encounter.

10 The bill provides that body camera data is confidential and
11 not subject to inspection and copying except for body camera
12 data collected when a subject of an encounter has a reasonable
13 expectation of privacy and the recording relates to the filing
14 of a complaint, the discharge of a firearm, the use of force,
15 an arrest or detention, or an action resulting in death or
16 bodily harm, if the subject captured on the recording is a
17 victim or witness and gives their consent. The bill provides
18 that the subject of an encounter does not have a reasonable
19 expectation of privacy if the subject is arrested because of
20 the encounter or matters related to the encounter.

21 The bill provides that only recordings or portions of
22 recordings responsive to a request shall be available for
23 inspection or copying. Any recording disclosed shall be
24 redacted to remove identifying information of a subject who is
25 not a peace officer, a subject of the encounter, or a subject
26 directly involved in the encounter.

27 Any recording which is identified as relating to the filing
28 of a complaint, the discharge of a firearm, the use of force,
29 an arrest or detention, or an action resulting in death or
30 bodily harm, is subject to inspection and copying, except as
31 otherwise provided in the bill.

32 Upon request, a lawful custodian shall make a recording
33 available to the subject of an encounter the subject's
34 attorney, or a peace officer involved in the encounter
35 or depicted on the recording or the officer's legal

S.F. _____ H.F. _____

1 representative.