

**House File 2309 - Introduced**

HOUSE FILE 2309

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 531)

**A BILL FOR**

1 An Act relating to confidential records including booking  
2 photographs.

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

1 Section 1. Section 22.7, Code 2024, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 5B. *a.* A booking photograph. However, a  
4 booking photograph may be released, published, or disseminated  
5 for any of the following reasons:

6 (1) The person in the booking photograph is a fugitive and  
7 a law enforcement agency or prosecuting agency determines that  
8 the release and publication of the booking photograph will  
9 assist in apprehending the person.

10 (2) A law enforcement agency or prosecuting agency  
11 determines that the person in the booking photograph is an  
12 imminent threat to an individual or to public safety and that  
13 the release and publication of the booking photograph will  
14 assist in reducing or eliminating the threat.

15 (3) A judge orders the release or publication of the booking  
16 photograph based on a finding that the release or publication  
17 furthers a legitimate interest.

18 (4) The person in the booking photograph has been convicted  
19 or has pled guilty to a criminal offense for which the person  
20 was arrested.

21 *b.* For purposes of this subsection, "*booking photograph*"  
22 means a photograph or still, nonvideo image of a person  
23 generated by a law enforcement agency for identification  
24 purposes after an arrest or while the person is in the custody  
25 of the law enforcement agency.

26 EXPLANATION

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

29 This bill relates to confidential records including booking  
30 photographs.

31 The bill defines "booking photograph" as a photograph  
32 or still, nonvideo image of a person generated by a law  
33 enforcement agency for identification purposes after an arrest  
34 or while the person is in the law enforcement agency's custody.

35 The bill provides that a booking photograph is a

1 confidential record, but may be released, published, or  
2 disseminated for any of the following reasons: the person  
3 in the booking photograph is a fugitive, and releasing  
4 or disseminating the booking photograph will assist in  
5 apprehending the person; a law enforcement agency or  
6 prosecuting agency determines that the person is an imminent  
7 threat to an individual or to public safety; a judge orders the  
8 release or dissemination of the booking photograph to further  
9 a legitimate interest; or the person is convicted or pleads  
10 guilty to a criminal offense for which the person was arrested  
11 and a booking photograph was taken.