

House File 2701 - Introduced

HOUSE FILE 2701
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2555)

A BILL FOR

1 An Act relating to the use of automatic registration plate
2 readers and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **321Q.1 Definitions.**

2 As used in this chapter:

3 1. "Audit trail" means all records of queries and responses
4 relating to an automatic registration plate reader, and all
5 records of actions relating to plate reader data that is
6 accessed, entered, updated, shared, or disseminated, including
7 all of the following:

8 a. The date and time when a plate reader was accessed.

9 b. The registration plate characters or other data elements
10 used to query a plate reader.

11 c. The specific purpose, in accordance with section 321Q.4,
12 for accessing or querying a plate reader, including the type of
13 offense for a criminal investigation.

14 d. The associated call for service or case number.

15 e. The username of the person who accessed or queried the
16 plate reader.

17 2. "Audit trail data" means information in any form that is
18 collected or generated by an automatic registration plate reader
19 for purposes of producing an audit trail.

20 3. "Automatic registration plate reader" or "plate reader"
21 means a camera or other optical device designed or programmed
22 to automatically detect a vehicle's registration plate, or
23 to automatically capture or store an image of a vehicle's
24 registration plate and any accompanying data that is capable
25 of converting an image of a registration plate, vehicle, or a
26 combination of both into computer-readable data.

27 4. "Law enforcement agency" means an agency or entity that
28 employs a peace officer, as defined in section 801.4.

29 5. "Missing or endangered person" means a person who has been
30 identified as missing or endangered based on information provided
31 by the national criminal information center or the national
32 center for missing and exploited children; a person described in
33 section 694.1; a person subject to an endangered person advisory
34 issued by the department of public safety; a person subject to
35 an emergency alert to the public that a child has been abducted

1 and is believed to be in danger of serious bodily harm or death,
2 commonly referred to as an amber alert; a person subject to
3 a blue alert under chapter 80H; or a person subject to any
4 substantially similar alert under the laws of another state or
5 territory of the United States, the District of Columbia, or the
6 United States.

7 6. "Notification" means an alert from an automatic
8 registration plate reader that a registration plate or vehicle
9 matches a registration plate or vehicle in a database utilized by
10 the automatic registration plate reader for comparison purposes.

11 7. "Person associated with human trafficking" means a person
12 who is either a suspected victim or an alleged perpetrator of
13 human trafficking, as defined in section 710A.1.

14 8. "Plate reader data" means data in any form collected
15 or generated by an automatic registration plate reader,
16 including images of a registration plate; vehicle; identifying
17 characteristics of a vehicle; the date, time, and location of an
18 image; and any peripheral images collected from which analytical
19 data may be extracted.

20 9. "Procurement team" means the department of administrative
21 services or department of management staff responsible for, among
22 other things, overseeing and helping state employees and agencies
23 work with vendors to buy goods and services pursuant to chapter
24 8, subchapter XI, or chapter 8A, subchapter III, as applicable.

25 10. "Publicize" means to provide information to members of
26 the public via an internet site that is maintained by a law
27 enforcement agency or via any other internet site on which
28 the agency provides information so long as the internet site
29 is available to members of the public or the agency clearly
30 describes how members of the public can access such information.

31 11. "Query" means a search of plate reader data based on
32 information entered by the user, including a full or partial
33 registration plate number; any identifying characteristics of a
34 vehicle; the date, time, or location of an image; or any other
35 data that is searchable within the automatic registration plate

1 reader.

2 12. "Vendor" means a business, company, corporation, or other
3 nongovernmental entity that contracts with a law enforcement
4 agency or municipality for the installation, use, or maintenance
5 of an automatic registration plate reader.

6 Sec. 2. NEW SECTION. **321Q.2 Approved plate readers.**

7 A person other than a law enforcement agency shall not use an
8 automatic registration plate reader. A law enforcement agency
9 shall not use a plate reader unless the plate reader is approved
10 by the procurement team. The procurement team shall not approve
11 an automatic registration plate reader for use unless all of the
12 following occur:

13 1. The vendor certifies that it will not sell or share any
14 plate reader data or audit trail data from a plate reader in this
15 state, except upon request of the contracting law enforcement
16 agency for a purpose described in section 321Q.6, and will only
17 access plate reader data or audit trail data upon request of the
18 contracting law enforcement agency for maintenance and quality
19 assurance purposes.

20 2. The vendor certifies that its plate reader is capable
21 of purging plate reader data collected or generated by a plate
22 reader in this state after twenty-one days from the date of
23 its capture, or earlier if requested by the contracting law
24 enforcement agency, in such a manner that the plate reader data
25 is destroyed and not recoverable by either the vendor or the
26 contracting law enforcement agency.

27 3. The vendor certifies that its plate reader is capable of
28 producing an audit trail and purging audit trail data collected
29 or generated by a plate reader in this state after two years from
30 the date of its capture in such a manner that the audit trail
31 data is destroyed and not recoverable by either the vendor or the
32 contracting law enforcement agency.

33 4. The databases used by the plate reader to provide
34 notifications in accordance with section 321Q.4 are updated at
35 least once every twenty-four hours, or as soon as practicable

1 after such updates become available.

2 5. The plate reader meets information security standards as
3 established by the department of management.

4 Sec. 3. NEW SECTION. **321Q.3 Vendor contract requirements.**

5 A law enforcement agency shall not agree to a contract with
6 a vendor unless the contract specifies that plate reader data
7 and audit trail data will be the property of the law enforcement
8 agency and that the plate reader meets the requirements under
9 section 321Q.2. The vendor must agree to immediately notify
10 the law enforcement agency upon receipt of any subpoena duces
11 tecum, execution of any search warrant, or any other request from
12 a third party for such plate reader data or audit trail data,
13 unless disclosure of such subpoena duces tecum, search warrant,
14 or request is otherwise prohibited by law.

15 Sec. 4. NEW SECTION. **321Q.4 Warrant required —**
16 **exceptions.**

17 1. A law enforcement agency shall not access an image of
18 a vehicle registration plate, or any other accompanying data,
19 captured by an automatic registration plate reader more than
20 twenty-four hours after the image or data was captured unless
21 a magistrate has issued a search warrant for the specific
22 registration plate number or vehicle. After a search warrant
23 is issued, a law enforcement agency may copy and store a
24 registration plate image and any accompanying data in accordance
25 with subsection 2.

26 2. A search warrant is not required in any of the following
27 circumstances:

28 a. When the owner of a vehicle gives voluntary consent
29 authorizing the operator of a plate reader to access an image or
30 accompanying data of the owner's vehicle.

31 b. When the owner of a vehicle files a report with a law
32 enforcement agency attesting that the vehicle is lost or stolen.

33 c. When exigent circumstances make it impractical to obtain a
34 search warrant before the exigency expires.

35 d. As part of an active investigation related to a missing or

1 endangered person, including whether to issue an alert for such
2 person, or a person associated with human trafficking.

3 e. To receive notifications related to a missing or
4 endangered person, a person with an outstanding warrant, a person
5 associated with human trafficking, a stolen vehicle, or a stolen
6 registration plate.

7 3. All information necessary for the creation of an audit
8 trail shall be entered in order to query plate reader data. A
9 law enforcement agency shall not query or download plate reader
10 data unless such data is related to at least one of the purposes
11 described in subsection 2. A law enforcement agency may download
12 audit trail data for purposes of generating audit reports.

13 Sec. 5. NEW SECTION. **321Q.5 Data retention.**

14 1. Within twenty-one days after plate reader data is
15 recorded, the data must be purged in a manner that the data
16 is destroyed and not recoverable by either the vendor or a law
17 enforcement agency.

18 2. Within two years after audit trail data is recorded, the
19 data must be purged in a manner that such data is destroyed and
20 not recoverable by either the vendor or a law enforcement agency.

21 3. Notwithstanding subsections 1 and 2, if the plate reader
22 data or the audit trail data is part of an ongoing investigation,
23 prosecution, or civil action, the data shall be retained by
24 the law enforcement agency in accordance with applicable records
25 retention laws and policies until the investigation concludes
26 without a criminal charge being filed or by the final disposition
27 of a criminal or civil matter related to the data, including any
28 direct appeals and a writ of habeas corpus pursuant to chapter
29 663 or federal law.

30 Sec. 6. NEW SECTION. **321Q.6 Data disclosure restricted.**

31 1. Plate reader data and audit trail data are confidential
32 records under chapter 22. A law enforcement agency shall not
33 sell plate reader data or audit trail data.

34 2. Except as provided in this subsection and subsection 3,
35 a law enforcement agency shall not share plate reader data or

1 audit trail data with, or disseminate such data to, any database
2 of another state, federal, private, or commercial entity. A law
3 enforcement agency may share plate reader data or audit trail
4 data for any of the following purposes:

5 a. With another law enforcement agency for purposes set
6 forth in section 321Q.4, which may include allowing another law
7 enforcement agency to query plate reader data, provided that the
8 agency receiving such data otherwise complies with this chapter.

9 b. With the attorney general for purposes set forth in
10 section 321Q.4 or for complying with discovery or a court order
11 in a criminal proceeding.

12 c. With a defendant or the defendant's legal representative
13 for purposes of complying with discovery or a court order in a
14 criminal proceeding.

15 d. Pursuant to a court order, including a subpoena duces
16 tecum issued by a court in a criminal or civil proceeding.

17 e. With the vendor for maintenance or quality assurance
18 purposes.

19 f. To alert the public about an emergency situation, a
20 missing or endangered person, a person associated with human
21 trafficking, or a person with an outstanding warrant.

22 3. The department of public safety shall share plate reader
23 data obtained from a plate reader installed, maintained, and
24 operated on a primary road system with any other law enforcement
25 agency with jurisdiction over the highway where the plate reader
26 is operated, and such law enforcement agency may share such plate
27 reader data in accordance with subsection 2.

28 **Sec. 7. NEW SECTION. 321Q.7 Recordkeeping.**

29 A law enforcement agency that uses a plate reader shall
30 maintain records sufficient to facilitate public reporting as
31 required by this section, the production of an audit trail,
32 and discovery in criminal and civil proceedings, appeals, and
33 postconviction proceedings.

34 **Sec. 8. NEW SECTION. 321Q.8 Required policies.**

35 A law enforcement agency that uses a plate reader shall

1 establish a policy governing such use that is consistent with
2 this chapter that includes all of the following:

3 1. Training requirements for persons who will use or access
4 the plate reader.

5 2. The purposes for which the plate reader can be used or
6 accessed.

7 3. Procedures to ensure that the databases used by the plate
8 reader to provide notifications are updated at least every
9 twenty-four hours, or as soon as practicable after such updates
10 become available.

11 4. Procedures to confirm the accuracy of any notifications
12 made by the plate reader before stopping a vehicle.

13 5. A prohibition against downloading plate reader data that
14 is not related to at least one of the purposes set forth in
15 section 321Q.4, except for downloads of audit trail data for
16 purposes of generating audit reports.

17 6. An internal auditing procedure that occurs at least once
18 every thirty days.

19 7. Procedures for the retention and destruction of plate
20 reader data and audit trail data that are consistent with section
21 321Q.5.

22 8. A prohibition on the sale of plate reader data and audit
23 trail data and restrictions on the sharing of plate reader data
24 and audit trail data that are consistent with section 321Q.6.

25 9. Security procedures to protect the plate reader, plate
26 reader data, and audit trail data from unauthorized access,
27 destruction, use, modification, or disclosure.

28 **Sec. 9. NEW SECTION. 321Q.9 Report to department of public**
29 **safety.**

30 A law enforcement agency that uses a plate reader shall report
31 to the department of public safety, in a format determined by the
32 department, on the law enforcement agency's use of plate readers
33 during the preceding calendar year, which shall include all of
34 the following data:

35 1. The total number of cameras owned or leased by an agency

1 as part of a plate reader at the conclusion of each calendar
2 year, including the number of such cameras designed to be affixed
3 inside or on a motor vehicle, permanently affixed adjacent to a
4 highway, or temporarily affixed or placed adjacent to a highway
5 for purposes of capturing plate reader data.

6 2. A list of all state and federal databases with which the
7 plate reader data was compared, unless the existence of any such
8 database itself is not public.

9 3. The total number of times the plate reader was queried,
10 including the specific purposes of the queries, and the offense
11 types for any criminal investigation.

12 4. The number of motor vehicles stopped based on a
13 notification from the plate reader, including the specific reason
14 for the notification.

15 5. Whether the agency allows any other law enforcement
16 agencies to access its plate reader data, and if so, which other
17 agencies have been granted such access.

18 6. The number of identified instances of unauthorized use
19 of or access to the plate reader, including the nature and
20 circumstances of such instances.

21 7. The number of subpoenas duces tecum, search warrants,
22 and any other requests received from a third party for plate
23 reader data or audit trail data, including the identity of the
24 entity that requested the issuance of such subpoena duces tecum,
25 executed such search warrant, or requested such data, and whether
26 any data was provided to such entity, unless disclosure of such
27 subpoena duces tecum, search warrant, or request is otherwise
28 prohibited by law.

29 Sec. 10. NEW SECTION. **321Q.10 Report to governor and**
30 **general assembly.**

31 The department of public safety shall aggregate the data
32 provided pursuant to section 321Q.9 and submit a report regarding
33 the data to the governor and to the general assembly on or before
34 the second Monday in January of each year.

35 Sec. 11. NEW SECTION. **321Q.11 Publicized information.**

1 A law enforcement agency that uses a plate reader shall
2 publicize the policy set forth in section 321Q.8 and the report
3 set forth in section 321Q.9. Data shall not be publicized if it
4 contains personal or case identifying information. In addition,
5 data that contains an articulable concern for a person's safety,
6 that is otherwise prohibited from public disclosure by federal
7 or state law, or that may compromise sensitive criminal justice
8 information if disclosed, may be excluded from being publicized.

9 Sec. 12. NEW SECTION. **321Q.12 Restrictions on use.**

10 A law enforcement agency shall not use a plate reader for
11 the purpose of interfering with individuals engaged in lawful
12 activities or tracking individuals on the basis of the content
13 of lawfully protected speech or the free exercise of religion.

14 Sec. 13. NEW SECTION. **321Q.13 Stops based only on plate
15 reader alerts prohibited.**

16 A notification by a plate reader for purposes set forth
17 in section 321Q.4 does not, by itself, constitute reasonable
18 suspicion as grounds for law enforcement to stop a vehicle.
19 Prior to stopping a vehicle based on a notification, a law
20 enforcement officer shall do at least one of the following:

- 21 1. Identify independent reasonable suspicion for the stop.
- 22 2. Confirm that the registration plate or identifying
23 characteristics of the vehicle match the information contained in
24 the database used to generate the notification.

25 Sec. 14. NEW SECTION. **321Q.14 Criminal penalty.**

26 A person who willfully and intentionally queries, accesses, or
27 uses a plate reader for a purpose other than described in section
28 321Q.4, or who willfully and intentionally sells, shares, or
29 disseminates plate reader data or audit trail data in violation
30 of section 321Q.6, commits a serious misdemeanor.

31 Sec. 15. NEW SECTION. **321Q.15 Evidence admissibility.**

32 Evidence obtained as the result of a violation of this
33 chapter is not admissible by the state in any criminal or civil
34 proceeding, but such evidence may be admitted by a defendant in
35 a criminal proceeding or a litigant, other than the state, in a

1 civil proceeding.

2 Sec. 16. NEW SECTION. **321Q.16 Applicability.**

3 This chapter does not apply to an automated traffic law
4 enforcement system used to enforce parking regulations, speed
5 limits, toll requirements, high-occupancy vehicle requirements,
6 or on-road emissions monitoring.

7 Sec. 17. NEW SECTION. **321Q.17 Vendor required to notify.**

8 Upon receipt of a subpoena duces tecum, execution of a search
9 warrant, or any other request from a third party for any plate
10 reader data or audit trail data, a vendor shall immediately
11 notify the law enforcement agency using the vendor's plate
12 reader, unless disclosure of such subpoena duces tecum, search
13 warrant, or request is otherwise prohibited by law.

14 Sec. 18. NEW SECTION. **321Q.18 Promotion of public
15 awareness.**

16 Prior to or coincident with the implementation of an automatic
17 registration plate reader, a law enforcement agency shall take
18 measures to promote public awareness on the agency's use of the
19 plate reader.

20 Sec. 19. REPEAL. Section 321P.4, Code 2026, is repealed.

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 Under current law, the operator of an automatic registration
25 plate reader (plate reader) or any associated data storage
26 device is required to permanently delete from the plate reader
27 and storage device, as applicable, every image of a vehicle
28 registration plate captured by the plate reader, and any other
29 accompanying data, no later than 30 days after the image was
30 captured. However, prior to deletion, an image of a vehicle
31 registration plate captured by a plate reader may be copied and
32 stored by a law enforcement agency if the image and data are
33 relevant to an ongoing criminal case or investigation. The law
34 enforcement agency is not required to delete the copied image or
35 data but must maintain the copied registration plate image and

1 data in accordance with the agency's evidence retention policies.

2 This bill repeals these provisions and enacts a new Code
3 chapter regulating the use of plate readers.

4 The bill prohibits a person other than a law enforcement
5 agency from using a plate reader. A plate reader must be
6 approved by a specified state procurement team that must vet
7 the vendor and plate reader systems. The bill requires certain
8 provisions be included in any contract to use a plate reader.

9 The bill requires a warrant to search a plate reader,
10 with exceptions provided in the bill. Additionally, the bill
11 regulates plate reader data retention and data disclosure, and
12 requires recordkeeping, local policies for using a plate reader,
13 reports to the department of public safety and to the governor
14 and general assembly, and information about the use of plate
15 readers to be publicized. The bill places restrictions on how
16 plate readers may be used and regulates law enforcement officers
17 stopping a vehicle based solely on plate reader alerts.

18 A person who willfully and intentionally queries, accesses, or
19 uses a plate reader in violation of the bill, or who willfully
20 and intentionally sells, shares, or disseminates plate reader
21 data or audit trail data in violation of the bill, commits a
22 serious misdemeanor. A serious misdemeanor is punishable by
23 confinement for no more than one year and a fine of at least \$430
24 but not more than \$2,560.

25 The bill regulates the admissibility of evidence obtained by
26 a plate reader, requires a vendor to notify law enforcement
27 agencies regarding requests for access to the vendor's plate
28 reader, and requires law enforcement agencies to promote public
29 awareness of the use of plate readers.

30 The bill does not apply to an automated traffic law
31 enforcement system used to enforce parking regulations, speed
32 limits, toll requirements, high-occupancy vehicle requirements,
33 or on-road emissions monitoring.