

House File 47 - Introduced

HOUSE FILE 47
BY GUSTOFF

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:

unofficial

1 Section 1. Section 22.7, Code 2025, 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 a
7 law enforcement agency or prosecuting agency determines that the
8 release and publication of the booking photograph will assist in
9 apprehending the person.

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

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

35 The bill provides that a booking photograph is a confidential

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

unofficial