

House Study Bill 723 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

A BILL FOR

1 An Act relating to intelligence data, including the use of
2 historical location information.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321P.4, subsection 1, Code 2026, is
2 amended to read as follows:

3 1. The operator of an automatic registration plate reader
4 or any associated data storage device shall permanently delete
5 from the plate reader and storage device, as applicable, every
6 image of a vehicle registration plate captured by the plate
7 reader, and any other accompanying data, no later than ~~thirty~~
8 days seventy-two hours after the image was captured.

9 Sec. 2. Section 692.1, Code 2026, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 11A. "Historical location information" means
12 information that, when accessed, reveals the locations of persons
13 or vehicles more than twenty-four hours prior to the time of
14 access.

15 NEW SUBSECTION. 14A. "Metropolitan area" means two or more
16 separate and distinct subdivisions in Iowa, Nebraska, and
17 Illinois, directly neighboring each other.

18 Sec. 3. Section 692.1, subsection 14, Code 2026, is amended
19 to read as follows:

20 14. "Intelligence data" means information, including
21 historical location information, on identifiable individuals,
22 or property, compiled in an effort to anticipate, prevent, or
23 monitor possible criminal activity.

24 Sec. 4. Section 692.8, subsection 2, Code 2026, is amended to
25 read as follows:

26 2. a. Intelligence data in the files of the department, or
27 of a criminal or juvenile justice agency, may be disseminated
28 only to a peace officer, criminal or juvenile justice agency, or
29 state or federal regulatory agency, and only if the department
30 or agency is satisfied that the need to know and the intended
31 use are reasonable. ~~However, intelligence~~ Intelligence data may
32 also be disseminated to an agency, organization, or person when
33 disseminated for an official purpose, and in order to protect
34 a person or property from a threat of imminent serious harm.
35 Intelligence data that includes historical location information

1 collected by automated registration plate readers shall not be
2 conveyed, shared, or licensed to a private nongovernmental third
3 party for any reason other than what is permitted by this
4 chapter. Whenever intelligence data relating to a defendant or
5 juvenile who is the subject of a petition under section 232.35
6 for the purpose of sentencing or adjudication has been provided
7 to a court, the court shall inform the defendant or juvenile
8 or the defendant's or juvenile's attorney that the court is in
9 possession of such data and shall, upon request of the defendant
10 or juvenile or the defendant's or juvenile's attorney, permit
11 examination of such data.

12 b. A government agency or official shall not access a
13 database that reveals historical location information except
14 under any of the following circumstances:

15 (1) When the government official has obtained a judicial
16 warrant to access the database.

17 (2) When an individual whose historical location information
18 would be revealed freely and voluntarily consents. Such consent
19 shall not be construed to apply to other individuals who have not
20 consented.

21 (3) When the registered owner of a vehicle reports it lost or
22 stolen.

23 (4) When exigent circumstances make it impractical to obtain
24 a warrant including but not limited to when law enforcement is in
25 hot pursuit of an identifiable person or property.

26 (5) In response to an emergency alert to the public that
27 a child has been abducted and is believed to be in danger of
28 serious bodily harm or death, commonly referred to as an amber
29 alert, as authorized by law or rule.

30 (6) When the government official uses the historical location
31 information for traffic enforcement, parking enforcement, or
32 information security purposes necessary to effectuate the
33 provisions of this chapter.

34 c. The department, a criminal or juvenile justice agency,
35 or a private, nongovernmental third-party entity shall not share

1 or convey historical location information collected by automated
2 registration plate readers outside the state of Iowa. However,
3 agencies within a metropolitan area may share historical location
4 information with other agencies in the same metropolitan area by
5 agreement.

6 d. Any agreement under this subsection shall require the
7 out-of-state recipient agency to maintain historical location
8 information under the provisions and restrictions of this chapter
9 and section 321P.4, shall require the out-of-state recipient
10 agency to consent to all provisions of section 692.6, and shall
11 prohibit the out-of-state recipient agency from sharing any
12 historical location information.

13 e. All parties to any such agreement permitted under this
14 subsection shall preserve such agreements as a public record
15 under chapter 22.

16 f. A receiving entity shall be presumed to have consented to
17 the above provisions whether or not such provisions are in fact
18 included in any such agreement.

19 Sec. 5. Section 692.8A, subsection 4, Code 2026, is amended
20 to read as follows:

21 4. An intelligence assessment and intelligence data shall be
22 deemed a confidential record of the department under section
23 22.7, subsection 55, except as otherwise provided in this
24 subsection. This section shall not be construed to prohibit
25 the dissemination of an intelligence assessment to any agency or
26 organization if necessary for carrying out the official duties
27 of the agency or organization, or to a person if disseminated
28 for an official purpose, and to a person if necessary to
29 protect a person or property from a threat of imminent serious
30 harm. This section shall also not be construed to prohibit the
31 department from disseminating a public health and safety threat
32 advisory or alert by press release or other method of public
33 communication. For purposes of this subsection, a state, county,
34 or municipal law enforcement agency of this state may publicly
35 share intelligence data collected by automatic registration plate

1 readers, as defined by section 321P.4, when in fresh pursuit of a
2 person reasonably suspected of committing a felony, or when there
3 are reasonable grounds to believe that a felony has occurred, if
4 done for the purpose of apprehending or identifying a suspect.

5 Sec. 6. Section 692.8A, Code 2026, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding any other provision of
8 this section, records of any public body regarding vendors of
9 automatic registration plate readers, as defined by section
10 321P.4, of search terms used by agency personnel, contracts with
11 private entities, memoranda with public entities, placement of
12 automatic registration plate readers, procurement records, or
13 other similar records of agency activity shall not be deemed
14 confidential records under section 22.7, subsection 55, or any
15 other provision of law.

16 EXPLANATION

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

19 This bill relates to intelligence data, including the use of
20 historical location information.

21 The bill defines "historical location information" as
22 information that, when accessed, reveals the locations of persons
23 or vehicles more than 24 hours prior to the time of access.
24 The bill also provides a definition for "metropolitan area",
25 and amends the definition of "intelligence data" to include
26 historical location information.

27 The bill requires the operator of an automatic registration
28 plate reader or any associated data storage device to permanently
29 delete every image of a vehicle registration plate captured by
30 the plate reader, and any other accompanying data, no later than
31 72 hours after the image was captured.

32 The bill provides that intelligence data that includes
33 historical location information collected by automated
34 registration plate readers shall not be conveyed, shared, or
35 licensed to a private nongovernmental third party for any reason

1 other than what is permitted by the bill.

2 The bill provides that no government agency or official shall
3 access a database that reveals historical location information
4 except: when the government official has obtained a judicial
5 warrant to access the database; when an individual whose
6 historical location information would be revealed freely and
7 voluntarily consents; when the registered owner of a vehicle
8 reports it lost or stolen; when exigent circumstances make
9 it impractical to obtain a warrant including but not limited
10 to when law enforcement is in hot pursuit of an identifiable
11 person or property; in response to an amber alert as authorized
12 by law or rule; and when the government official uses the
13 historical location information for traffic enforcement, parking
14 enforcement, or information security purposes.

15 The bill provides that the department, a criminal or juvenile
16 justice agency, or a private, nongovernmental third-party entity
17 shall not share or convey historical location information
18 collected by automated registration plate readers outside the
19 state of Iowa. However, agencies within a metropolitan area may
20 share historical location information with other agencies in the
21 same metropolitan area by agreement. Any agreement shall require
22 the out-of-state recipient agency to maintain historical location
23 information under the provisions and restrictions of the bill
24 and Code section 321P.4, shall require the out-of-state recipient
25 agency to consent to all provisions of Code section 692.6, and
26 shall prohibit the out-of-state recipient agency from sharing
27 any historical location information. The parties to any such
28 agreement shall preserve such agreements as a public record under
29 Code chapter 22. A receiving entity shall be presumed to have
30 consented to the above provisions whether or not such provisions
31 are in fact included in any such agreement.

32 The bill provides that a state, county, or municipal law
33 enforcement agency may publicly share intelligence data collected
34 by automatic registration plate readers when in fresh pursuit
35 of a person reasonably suspected of committing a felony, or

1 when there are reasonable grounds to believe that a felony has
2 occurred, if done for the purpose of apprehending or identifying
3 a suspect.

4 The bill provides that records of any public body
5 regarding vendors of automatic registration plate readers,
6 search terms used by agency personnel, contracts with private
7 entities, memoranda with public entities, placement of automatic
8 registration plate readers, procurement records, or other similar
9 records of agency activity shall not be deemed confidential
10 records.

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