

Senate File 2350 - Introduced

SENATE FILE 2350

BY PETERSEN, BISIGNANO, HARDMAN,
DONAHUE, DOTZLER, WEINER, and
WINCKLER

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:

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1 Section 1. Section 321P.4, Code 2026, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 01. a. A person shall not use an automated
4 registration plate reader to search for or access an image of a
5 vehicle registration plate or any accompanying data captured by
6 the plate reader unless all of the following are true:

7 (1) The person is a law enforcement officer with supervisory
8 duties.

9 (2) A magistrate has issued a search warrant for the specific
10 registration plate number or vehicle.

11 b. A person who uses a plate reader shall record each time
12 the person used the plate reader in a records log. The person
13 must provide a detailed reason for using the plate reader, an
14 associated case number, and the number of plate reader cameras
15 the person searched. The agency using a plate reader shall
16 maintain the records log.

17 NEW SUBSECTION. 2A. a. If an automatic registration plate
18 reader is programmed to create an alert when the plate reader
19 identifies a particular registration plate number or vehicle, a
20 law enforcement officer shall review the list of registration
21 plate numbers and vehicles that the automatic registration plate
22 reader is programmed to identify and shall verify the list does
23 not include a registration plate number or vehicle for which
24 there is no probable cause to identify.

25 b. A person who uses a plate reader to compare registration
26 plate data with hotlist data to determine whether an image or
27 other data captured by a plate reader is relevant and material
28 to an investigation must update the plate reader alert system and
29 hotlist in real time, at the beginning of each shift, or whenever
30 such updates are available.

31 NEW SUBSECTION. 2B. A person shall not provide access to an
32 automatic registration plate reader or a copy of an image of a
33 vehicle registration plate captured by a plate reader, or any
34 other accompanying data, to a nongovernmental third party in this
35 state, or to a third party outside of this state, unless a search

1 warrant has been issued for the specific registration plate and
2 accompanying data or unless ordered by a court.

3 NEW SUBSECTION. 2C. The operator of an automatic
4 registration plate reader shall create and maintain a
5 transparency portal. A transparency portal must provide public
6 access to review key facts about the use of a plate reader,
7 including all of the following:

8 a. A list of examples the plate reader is designed and
9 programmed to detect.

10 b. A list of examples the plate reader is designed or
11 programmed to not detect.

12 c. Prohibited uses of the plate reader.

13 d. Registration plate image and associated data retention
14 statistics.

15 e. The number of plate readers in operation.

16 f. The number of vehicles and registration plates scanned.

17 g. The number of times a plate reader is accessed to conduct
18 a search.

19 h. The records log required to be used under subsection 01,
20 paragraph "b".

21 NEW SUBSECTION. 2D. The department of transportation shall
22 adopt rules pursuant to chapter 17A relating to audits of
23 automatic registration plate readers to ensure local authorities
24 are complying with this section. The rules must provide for
25 audits to be performed regularly and must provide for audits on
26 the use of specific plate readers and the use of plate readers
27 generally across the state.

28 Sec. 2. Section 321P.4, subsections 1, 3, and 4, Code 2026,
29 are amended to read as follows:

30 1. The operator of an automatic registration plate reader or
31 any associated data storage device shall permanently delete from
32 the plate reader and storage device, as applicable, every image
33 of a vehicle registration plate captured by the plate reader,
34 and any other accompanying data, no later than ~~thirty~~ seven days
35 after the image was captured.

1 3. For purposes of this section, ~~"automatic:~~

2 a. "Automatic registration plate reader" or "plate reader"
3 means a camera or other optical device designed or programmed
4 to automatically detect a vehicle's registration plate, or
5 to automatically capture or store an image of a vehicle's
6 registration plate and any accompanying data.

7 b. "Hotlist" means a database of compiled registration
8 plate characters and other vehicle identifying information that
9 is maintained in a manner that ensures the information is
10 and remains accurate, relevant, timely, and complete. The
11 information in a hotlist must be limited to particular vehicles
12 or persons associated with a particular vehicle deemed relevant
13 and material to an ongoing criminal enforcement effort or a
14 missing person investigation.

15 c. "Transparency portal" means a publicly accessible internet
16 site hosted by the operator of an automatic registration plate
17 reader or by the manufacturer of the automatic registration plate
18 reader.

19 4. A person who violates subsection 01, 1, 2A, 2B, or 2C
20 commits a simple misdemeanor.

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) is required to permanently delete
26 every image of a vehicle registration plate captured by the plate
27 reader, and any other accompanying data, within 30 days after the
28 image was captured. Prior to deletion from the plate reader, a
29 law enforcement agency is authorized to copy and store an image
30 of a vehicle registration plate captured by a plate reader, and
31 any other accompanying data, if the image and data are relevant
32 to an ongoing criminal case or investigation. Copies maintained
33 by a law enforcement agency are not required to be deleted, but
34 the law enforcement agency must maintain the copies in accordance
35 with the agency's evidence retention policies. A person who

1 violates the deletion requirement commits a simple misdemeanor.
2 A simple misdemeanor is punishable by confinement for no more
3 than 30 days and a fine of at least \$105 but not more than \$855.

4 This bill further regulates the operation of plate readers,
5 including by reducing the retention period from 30 days to 7
6 days, prohibiting certain uses, restricting access, limiting the
7 sharing of data, and providing for public oversight and audits
8 regarding the use of plate readers. A person who uses or
9 accesses a plate reader in violation of the bill commits a simple
10 misdemeanor.

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