

House File 2555 - Introduced

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BY LAWLER

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:

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
18 is collected or generated by an automatic registration plate
19 reader 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
30 been identified as missing or endangered based on information
31 provided by the national criminal information center or the
32 national center for missing and exploited children; a person
33 described in section 694.1; a person subject to an endangered
34 person advisory issued by the department of public safety; a
35 person subject to an emergency alert to the public that a child

1 has been abducted and is believed to be in danger of serious
2 bodily harm or death, commonly referred to as an amber alert; a
3 person subject to a blue alert under chapter 80H; or a person
4 subject to any substantially similar alert under the laws of
5 another state or territory of the United States, the District
6 of Columbia, or the 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
10 by the automatic registration plate reader for comparison
11 purposes.

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

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

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

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

34 11. "*Query*" means a search of plate reader data based on
35 information entered by the user, including a full or partial

1 registration plate number; any identifying characteristics of a
2 vehicle; the date, time, or location of an image; or any other
3 data that is searchable within the automatic registration plate
4 reader.

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

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

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

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

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

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

1 4. The databases used by the plate reader to provide
2 notifications in accordance with section 321Q.4 are updated at
3 least once every twenty-four hours, or as soon as practicable
4 after such updates become available.

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

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

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

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

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

28 2. A search warrant is not required in any of the following
29 circumstances:

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

33 *b.* When the owner of a vehicle files a report with a law
34 enforcement agency attesting that the vehicle is lost or
35 stolen.

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

3 d. As part of an active investigation related to a missing
4 or endangered person, including whether to issue an alert for
5 such person, or a person associated with human trafficking.

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

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

17 Sec. 5. NEW SECTION. 321Q.5 Data retention.

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

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

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

35 Sec. 6. NEW SECTION. 321Q.6 Data disclosure restricted.

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

4 2. Except as provided in this subsection and subsection
5 3, a law enforcement agency shall not share plate reader data
6 or audit trail data with, or disseminate such data to, any
7 database of another state, federal, private, or commercial
8 entity. A law enforcement agency may share plate reader data
9 or audit trail data for any of the following purposes:

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

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

18 c. With a defendant or the defendant's legal representative
19 for purposes of complying with discovery or a court order in
20 a criminal proceeding.

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

23 e. With the vendor for maintenance or quality assurance
24 purposes.

25 f. To alert the public about an emergency situation, a
26 missing or endangered person, a person associated with human
27 trafficking, or a person with an outstanding warrant.

28 3. The department of public safety shall share plate reader
29 data obtained from a plate reader installed, maintained,
30 and operated on a primary road system with any other law
31 enforcement agency with jurisdiction over the highway where the
32 plate reader is operated, and such law enforcement agency may
33 share such plate reader data in accordance with subsection 2.

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

35 A law enforcement agency that uses a plate reader shall

1 maintain records sufficient to facilitate public reporting as
2 required by this section, the production of an audit trail,
3 and discovery in criminal and civil proceedings, appeals, and
4 postconviction proceedings.

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

6 A law enforcement agency that uses a plate reader shall
7 establish a policy governing such use that is consistent with
8 this chapter that includes all of the following:

9 1. Training requirements for persons who will use or access
10 the plate reader.

11 2. The purposes for which the plate reader can be used or
12 accessed.

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

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

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

23 6. An internal auditing procedure that occurs at least once
24 every thirty days.

25 7. Procedures for the retention and destruction of plate
26 reader data and audit trail data that are consistent with
27 section 321Q.5.

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

31 9. Security procedures to protect the plate reader, plate
32 reader data, and audit trail data from unauthorized access,
33 destruction, use, modification, or disclosure.

34 **Sec. 9. NEW SECTION. 321Q.9 Report to department of public**
35 **safety.**

1 A law enforcement agency that uses a plate reader shall
2 report to the department of public safety, in a format
3 determined by the department, on the law enforcement agency's
4 use of plate readers during the preceding calendar year, which
5 shall include all of the following data:

6 1. The total number of cameras owned or leased by an agency
7 as part of a plate reader at the conclusion of each calendar
8 year, including the number of such cameras designed to be
9 affixed inside or on a motor vehicle, permanently affixed
10 adjacent to a highway, or temporarily affixed or placed
11 adjacent to a highway for purposes of capturing plate reader
12 data.

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

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

19 4. The number of motor vehicles stopped based on a
20 notification from the plate reader, including the specific
21 reason for the notification.

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

25 6. The number of identified instances of unauthorized use
26 of or access to the plate reader, including the nature and
27 circumstances of such instances.

28 7. The number of subpoenas duces tecum, search warrants, and
29 any other requests received from a third party for plate reader
30 data or audit trail data, including the identity of the entity
31 that requested the issuance of such subpoena duces tecum,
32 executed such search warrant, or requested such data, and
33 whether any data was provided to such entity, unless disclosure
34 of such subpoena duces tecum, search warrant, or request is
35 otherwise prohibited by law.

1 Sec. 10. NEW SECTION. **321Q.10 Report to governor and**
2 **general assembly.**

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

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

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

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

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

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

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

- 29 1. Identify independent reasonable suspicion for the stop.
- 30 2. Confirm that the registration plate or identifying
31 characteristics of the vehicle match the information contained
32 in the database used to generate the notification.

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

34 A person who willfully and intentionally queries, accesses,
35 or uses a plate reader for a purpose other than described

1 in section 321Q.4, or who willfully and intentionally sells,
2 shares, or disseminates plate reader data or audit trail data
3 in violation of section 321Q.6, commits a serious misdemeanor.

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

5 Evidence obtained as the result of a violation of this
6 chapter is not admissible by the state in any criminal or civil
7 proceeding, but such evidence may be admitted by a defendant in
8 a criminal proceeding or a litigant, other than the state, in a
9 civil proceeding.

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

11 This chapter does not apply to an automated traffic law
12 enforcement system used to enforce parking regulations, speed
13 limits, toll requirements, high-occupancy vehicle requirements,
14 or on-road emissions monitoring.

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

16 Upon receipt of a subpoena duces tecum, execution of a search
17 warrant, or any other request from a third party for any plate
18 reader data or audit trail data, a vendor shall immediately
19 notify the law enforcement agency using the vendor's plate
20 reader, unless disclosure of such subpoena duces tecum, search
21 warrant, or request is otherwise prohibited by law.

22 Sec. 18. NEW SECTION. **321Q.18 Promotion of public
23 awareness.**

24 Prior to or coincident with the implementation of an
25 automatic registration plate reader, a law enforcement agency
26 shall take measures to promote public awareness on the agency's
27 use of the plate reader.

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

29 **EXPLANATION**

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

32 Under current law, the operator of an automatic registration
33 plate reader (plate reader) or any associated data storage
34 device is required to permanently delete from the plate reader
35 and storage device, as applicable, every image of a vehicle

1 registration plate captured by the plate reader, and any other
2 accompanying data, no later than 30 days after the image was
3 captured. However, prior to deletion, an image of a vehicle
4 registration plate captured by a plate reader may be copied and
5 stored by a law enforcement agency if the image and data are
6 relevant to an ongoing criminal case or investigation. The law
7 enforcement agency is not required to delete the copied image
8 or data but must maintain the copied registration plate image
9 and data in accordance with the agency's evidence retention
10 policies.

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

13 The bill prohibits a person other than a law enforcement
14 agency from using a plate reader. A plate reader must be
15 approved by a specified state procurement team that must vet
16 the vendor and plate reader systems. The bill requires certain
17 provisions be included in any contract to use a plate reader.

18 The bill requires a warrant to search a plate reader, with
19 exceptions provided in the bill. Additionally, the bill
20 regulates plate reader data retention and data disclosure,
21 and requires recordkeeping, local policies for using a plate
22 reader, reports to the department of public safety and to the
23 governor and general assembly, and information about the use of
24 plate readers to be publicized. The bill places restrictions
25 on how plate readers may be used and regulates law enforcement
26 officers stopping a vehicle based solely on plate reader
27 alerts.

28 A person who willfully and intentionally queries, accesses,
29 or uses a plate reader in violation of the bill, or who
30 willfully and intentionally sells, shares, or disseminates
31 plate reader data or audit trail data in violation of the
32 bill, commits a serious misdemeanor. A serious misdemeanor is
33 punishable by confinement for no more than one year and a fine
34 of at least \$430 but not more than \$2,560.

35 The bill regulates the admissibility of evidence obtained

1 by a plate reader, requires a vendor to notify law enforcement
2 agencies regarding requests for access to the vendor's plate
3 reader, and requires law enforcement agencies to promote public
4 awareness of the use of plate readers.

5 The bill does not apply to an automated traffic law
6 enforcement system used to enforce parking regulations, speed
7 limits, toll requirements, high-occupancy vehicle requirements,
8 or on-road emissions monitoring.