

CHAPTER 1022

GARBAGE PLACED IN PUBLIC AREAS FOR WASTE COLLECTION — LOCAL REGULATION AND PRIVACY EXPECTATIONS — SEARCH AND SEIZURE

S.F. 2296

AN ACT relating to a peace officer's search of garbage placed outside of a person's residence for waste collection in a publicly accessible area.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **808.16 Exception to search warrant requirement — garbage searches.**

1. It is the public policy of this state that a person has no reasonable expectation of privacy in garbage placed outside of the person's residence for waste collection in a publicly accessible area.

2. A city or county shall only adopt an ordinance or a regulation concerning waste management and sanitation for the purposes of promoting public health and cleanliness. An ordinance or a regulation adopted by a city or county shall not be construed by a person to create a reasonable expectation of privacy in garbage placed outside of the person's residence for waste collection in a publicly accessible area.

3. Garbage placed outside of a person's residence for waste collection in a publicly accessible area shall be deemed abandoned property and shall not be considered to be constitutionally protected papers or effects of the person.

4. A peace officer may conduct a search and may seize garbage placed outside of a person's residence for waste collection in a publicly accessible area without making an application for a search warrant.

Approved April 21, 2022