

Proposal Summary

In Iowa, the subjective motivations of an arresting officer for making a traffic stop are irrelevant so long as the officer has some objectively reasonable cause to believe the motorist violated a traffic law. *Whren v. United States*, 116 S. Ct. 1769, 1732 (1996), *State v. Brown*, 930 N.W.2d 840 (Iowa 2019).

The State Public Defender's proposal to help eliminate pretextual traffic stops based on simple traffic violations or equipment violations that can be handled with a 'fix-it ticket' or a scheduled fine. An officer would no longer be allowed to initiate a traffic stop for a newly defined class of violations. These violations would still be enforceable by a computerized system already in existence through the use of traffic cameras. This system, however, would eliminate the potential Constitutional challenges which have been made on traffic cameras because the officer initiating the violation would be available to testify and be subject to cross examination.

The observing officer would use a dash camera to capture the license plate of the offending equipment or violator. Using the registration information database, the registrant would receive a fix-it ticket in the mail. The registrant would have a set amount of days to remedy the problem or receive a scheduled fine via a standard citation. Absent some other legal reason the observing officer would be prohibited from stopping the vehicle. This would not only be safer for the officer, but it would be safer for the motorist. It would also help reduce pretextual stops based on objectionable criteria such as race, neighborhood, time of day, or type of car.

The list of offenses to use this schema is listed in attachment A.

Attachment A

No peace officer, as defined by Iowa Code 321.1 (50) , shall have authority to initiate a traffic stop, as defined by Iowa Code 321. 1 (90), for the following;

Expired Registration, 321.39;

Parking violation, 321.210

Suspension includes 2.C. or parking violations;

Noise violations, 321. 277A;

Movement of unsafe or improperly equipped vehicles, 321.381;

Inoperable tail light, brake light, license plate lamp 321.385A

Pursuant to 321.385A, if both lights on the vehicle are inoperable, a peace officer may stop the vehicle and issue a citation. If only one of the lights is inoperable, the peace officer shall take a photo of the license plate and send the ticket to the registered owner of the vehicle;

Rear lamps, 321.387;

Illuminating plates, 321.388;

Windshields and windows, 321.438;

Peace Officer's authority, 321.492.