

April 7, 1976

PRESIDENT: Senator Rasmussen.

SENATOR RASMUSSEN: Mr. President, members of the body. I would like your support to bring this bill back. The other day when we went through this I think there were some areas that were either left out ... on purpose or otherwise. I'd like to say that I found out what's happened in some of the states that have it. I'd like to give you that information, that's the main reason that I'd like to bring it back, have it killed if I can have your support. The State of Michigan, which was one of the states that's had this, the State Supreme Court has ruled the photobank is Unconstitutional. They were doing the same thing that we were going to attempt to do. This is construed as invasion of privacy. Ohio repealed their law before any court challenge. The Senators felt certain that there was infringement of privacy. Missouri discovered many problems. They discovered the pictures couldn't be transmitted across the state by computers and transmissions. They resolved this by having 150 field offices scattered across the state. There is a court case there before the Supreme Court. The Attorney General in Missouri thought the bill was OK, but it's still before the Supreme Court. Iowa - that has permissive legislation. If someone wants an I.D. - \$10 for four years, they can get one. They abandoned the use of photo negative files because of the Constitutional invasion of privacy. Minnesota - private vendor keeps these. In order for a law enforcement officer to have one they've got to issue a warrant to get into the files. This was ... the other day it was brought about how it was going to be such a boon to the law enforcement agencies. The State of Ohio surveyed the laws of all the states that had it. Seven one hundredths of one percent was used by the police which is almost nothing. They found no use for apprehension purposes.

I think that if we're going to pass this bill we should wait and do it when the time is not so hectic, at least have a chance to get a bill that would be Constitutional and be workable. For that I ask your support to bring this bill back to indefinitely postpone.

PRESIDENT: Senator Goodrich.

SENATOR GOODRICH: Senator Rasmussen yield to a question please? Senator Rasmussen, I believe I heard you right. Would you give us the experience of Iowa as you reported.

SENATOR RASMUSSEN: Iowa has permissive legislation. They abandoned the use of a photo negative file because of the Constitutional invasion of privacy.

SENATOR GOODRICH: Could you give me your source of information on that. The reason I ask that....

SENATOR RASMUSSEN: Certainly I can, the Fiscal Staff.

SENATOR GOODRICH: Our Fiscal Staff? The reason I was questioning that, Senator Rasmussen, was the fact that the word I got in Iowa was that they hadn't even passed it yet. This gentleman that was visiting with us here from the Iowa Legislature, the other day I was talking to him about it. He said "Yes, the Iowa Senate has passed it. The Iowa House has not passed it". Consequently, I'm a little at odds to know how