

# House File 602 - Introduced

HOUSE FILE \_\_\_\_\_  
BY RAECKER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to antiharassment and antibullying in the public  
2 arena and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2741YH 82  
5 kh/cf/24

PAG LIN

1 1 Section 1. NEW SECTION. 68B.40 ANTIHARASSMENT AND  
1 2 ANTIBULLYING RULES == IMMUNITY.  
1 3 1. PURPOSE == FINDINGS == POLICY. The general assembly  
1 4 finds that in order to create a safe and civil environment for  
1 5 youth, it is the responsibility of members of the general  
1 6 assembly, the governor, and candidates for the general  
1 7 assembly and the office of governor to model the dignity and  
1 8 respect that is legally required of school age youth.  
1 9 Therefore, it is also the policy of this state that members of  
1 10 the general assembly, the governor, and candidates for the  
1 11 general assembly and the office of governor shall not engage  
1 12 in harassing or bullying behavior.  
1 13 2. DEFINITIONS. For purposes of this section, unless the  
1 14 context otherwise requires:  
1 15 a. "Electronic" means any communication involving the  
1 16 transmission of information by wire, radio, optical cable,  
1 17 electromagnetic, or other similar means. "Electronic"  
1 18 includes but is not limited to communication via electronic  
1 19 mail, internet-based communications, pager service, cell  
1 20 phones, and electronic text messaging.  
1 21 b. "Harassment" and "bullying" shall be construed to mean  
1 22 any electronic, written, verbal or physical act or conduct  
1 23 toward a member of the general assembly or the governor or  
1 24 candidate for the general assembly or the office of governor  
1 25 which is based on any actual or perceived trait or  
1 26 characteristic of the member, governor, or candidate and which  
1 27 creates an objectively hostile environment that meets one or  
1 28 more of the following conditions:  
1 29 (1) Places the member, governor, or candidate in  
1 30 reasonable fear of harm to the member's, governor's, or  
1 31 candidate's person or property.  
1 32 (2) Has a substantially detrimental effect on the  
1 33 member's, governor's, or candidate's physical or mental  
1 34 health.  
1 35 (3) Has the effect of substantially interfering with the  
2 1 member's, governor's, or candidate's public service or  
2 2 campaign performance.  
2 3 (4) Has the effect of substantially interfering with the  
2 4 member's, governor's, or candidate's ability to participate in  
2 5 or benefit from the services, activities, or privileges  
2 6 provided by the local community or state.  
2 7 c. "Trait or characteristic of the member, governor, or  
2 8 candidate" includes but is not limited to age, color, creed,  
2 9 national origin, race, religion, marital status, sex, sexual  
2 10 orientation, gender identity, physical attributes, physical or  
2 11 mental ability or disability, ancestry, political party  
2 12 preference, political belief, socioeconomic status, or  
2 13 familial status.  
2 14 d. "Volunteer" means an individual who has regular,  
2 15 significant contact with a member of the general assembly, the  
2 16 governor, or a candidate for the general assembly or the  
2 17 office of governor.  
2 18 3. RULES. On or before September 1, 2007, the Iowa ethics  
2 19 and campaign disclosure board shall adopt rules declaring  
2 20 harassment and bullying in the public arena, regardless of its

2 21 location, in a manner consistent with this section, as against  
2 22 state policy pursuant to this section and against the board's  
2 23 administrative rules. The board shall make a copy of the  
2 24 rules available to all general assembly members, the governor,  
2 25 and candidates for the general assembly or the office of  
2 26 governor, campaign committees, political committees, and  
2 27 volunteers, and shall take all appropriate steps to bring the  
2 28 state policy against harassment and bullying and the  
2 29 responsibilities set forth in the rules to the attention of  
2 30 all Iowans. The rules shall, at a minimum, include all of the  
2 31 following components:

2 32 a. A statement declaring harassment and bullying to be  
2 33 against state policy and the board's administrative rules.  
2 34 The rules shall include but not be limited to the following  
2 35 components:

3 1 (1) Members of the general assembly, the governor, and  
3 2 candidates for the general assembly and the office of governor  
3 3 shall not engage in harassing and bullying behavior.

3 4 (2) Members of the general assembly, the governor, and  
3 5 candidates for the general assembly and the office of governor  
3 6 shall not engage in reprisal, retaliation, or false accusation  
3 7 against a victim, witness, or an individual who has reliable  
3 8 information about such an act of harassment or bullying.

3 9 b. A definition of harassment and bullying as set forth in  
3 10 this section.

3 11 c. A description of the type of behavior expected from  
3 12 members of the general assembly, the governor, and candidates  
3 13 for the general assembly and the office of governor relative  
3 14 to prevention measures, reporting, and investigation of  
3 15 harassment or bullying.

3 16 d. The consequences and appropriate remedial action for a  
3 17 person who violates the antiharassment and antibullying  
3 18 administrative rules.

3 19 e. A procedure for reporting an act of harassment or  
3 20 bullying, including the identification by job title of the  
3 21 state official responsible for ensuring that the rules are  
3 22 implemented, and the identification of the person or persons  
3 23 responsible for receiving reports of harassment or bullying.

3 24 f. A procedure for the prompt investigation of complaints,  
3 25 identifying the ethics and campaign disclosure board as the  
3 26 state agency responsible for conducting the investigation,  
3 27 including a statement that investigators will consider the  
3 28 totality of circumstances presented in determining whether  
3 29 conduct objectively constitutes harassment or bullying under  
3 30 this section.

3 31 g. A statement of the manner in which the rules will be  
3 32 publicized.

3 33 4. PROGRAMS ENCOURAGED. Members of the general assembly,  
3 34 the governor, and candidates for the general assembly and the  
3 35 office of the governor are encouraged to establish programs  
4 1 designed to eliminate harassment and bullying in the public  
4 2 arena. To the extent that funds are available for these  
4 3 purposes, statewide political committees shall do the  
4 4 following:

4 5 a. Provide training on antiharassment and antibullying  
4 6 policies to members of the general assembly, the governor, and  
4 7 candidates for the general assembly and the office of  
4 8 governor.

4 9 b. Develop a process to provide members of the general  
4 10 assembly, the governor, and candidates for the general  
4 11 assembly and the office of governor with the skills and  
4 12 knowledge to help reduce incidents of harassment and bullying.

4 13 5. IMMUNITY. A resident of this state who promptly,  
4 14 reasonably, and in good faith reports an incident of  
4 15 harassment or bullying, in compliance with the procedures in  
4 16 the rules adopted pursuant to this section, to the ethics and  
4 17 campaign disclosure board, shall be immune from civil or  
4 18 criminal liability relating to such report and to  
4 19 participation in any administrative or judicial proceeding  
4 20 resulting from or relating to such report.

4 21 6. COLLECTION REQUIREMENT. The ethics and campaign  
4 22 disclosure board shall develop and maintain a system to  
4 23 collect harassment and bullying incidence data.

4 24 7. INTEGRATION OF POLICY AND REPORTING. The ethics and  
4 25 campaign disclosure board and the office of secretary of state  
4 26 shall integrate the antiharassment and antibullying rules  
4 27 adopted by the board into the official registration documents  
4 28 for members of the general assembly, the governor, and  
4 29 candidates for the general assembly and the office of governor  
4 30 and shall report data collected under subsection 6, as  
4 31 specified by the board, to the general public.

4 32 8. EXISTING REMEDIES NOT AFFECTED. This section shall not  
4 33 be construed to preclude a victim from seeking administrative  
4 34 or legal remedies under any applicable provision of law.

4 35 9. PENALTY. The board shall issue an order requiring a  
5 1 person who violates the provisions of this section to pay a  
5 2 civil penalty of not more than two thousand dollars for each  
5 3 violation of this section.

5 4 10. FUND. An antiharassment and antibullying fund is  
5 5 created within the office of the treasurer of state to be  
5 6 administered by the board. Moneys collected by the board  
5 7 pursuant to this section shall be deposited in the fund and  
5 8 shall be distributed by the board to the general assembly and  
5 9 to the office of governor to fund the implementation of a  
5 10 proactive and pervasive process of character development and  
5 11 to state political committees to provide professional  
5 12 development for members of the general assembly, the governor,  
5 13 and candidates for the general assembly and the office of  
5 14 governor.

#### 5 15 EXPLANATION

5 16 This bill establishes a state policy prohibiting members of  
5 17 the general assembly, the governor, and candidates for the  
5 18 general assembly and the office of governor from engaging in  
5 19 harassing or bullying behavior, and directs the Iowa ethics  
5 20 and campaign disclosure board to adopt administrative rules  
5 21 declaring harassment and bullying in the public arena against  
5 22 state policy and board rules. The bill authorizes the board  
5 23 to order a person who violates the board's rules to pay a  
5 24 civil penalty of not more than \$2,000 per violation. The bill  
5 25 also establishes an antiharassment and antibullying fund under  
5 26 the board's control for deposit of the funds resulting from  
5 27 enforcement of the penalty.

5 28 The board must make copies of the rules available to all  
5 29 members, the governor, candidates, campaign committees,  
5 30 political committees, and volunteers, and bring the state  
5 31 policy against harassment and bullying and the  
5 32 responsibilities set forth in the rules to the attention of  
5 33 all Iowans.

5 34 The rules must also, at a minimum, prohibit members, the  
5 35 governor, and candidates from engaging in reprisal,  
6 1 retaliation, or false accusation against a victim, witness, or  
6 2 an individual who has reliable information about such an act  
6 3 of harassment or bullying. The rules must include the  
6 4 definition of harassment and bullying as set forth in the  
6 5 bill, which includes harassment or bullying by electronic  
6 6 means; a description of the type of behavior expected from  
6 7 members, the governor, and candidates relative to prevention  
6 8 measures, reporting, and investigation of harassment or  
6 9 bullying; the consequences and appropriate remedial action for  
6 10 a person who violates the rules; a procedure for reporting an  
6 11 act of harassment or bullying; a procedure for the prompt  
6 12 investigation of complaints; and a statement of the manner in  
6 13 which the rules will be publicized.

6 14 Members, the governor, and candidates are encouraged to  
6 15 establish programs designed to eliminate harassment and  
6 16 bullying in the public arena.

6 17 The bill provides immunity for an Iowa resident, who  
6 18 promptly, reasonably, and in good faith reports an incident of  
6 19 harassment or bullying, from civil or criminal liability and  
6 20 to participation in any administrative or judicial proceeding  
6 21 resulting from or relating to such report.

6 22 The board is directed to develop and maintain a system to  
6 23 collect harassment and bullying incidence data. The board and  
6 24 the office of secretary of state must integrate the  
6 25 antiharassment and antibullying rules into the official  
6 26 registration documents for members, the governor, and  
6 27 candidates and report the data collected by the board to the  
6 28 general public.

6 29 LSB 2741YH 82

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