

House File 2434 - Introduced

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BY THOMSON

A BILL FOR

1 An Act creating a cause of action for the violation of
2 individual rights under state or federal law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **729B.1 Definitions.**

2 For purposes of this chapter, unless context otherwise
3 requires:

4 1. "*Federal government*" means the executive departments,
5 independent establishments of the United States, corporations
6 acting as instrumentalities or agencies of the United States,
7 and any contractor with the United States.

8 2. "*Federal government employee or contractor*" means an
9 individual employed or contracted by the federal government,
10 deputized by the federal government, incorporated into a
11 task force with the federal government, or working in active
12 cooperation with the federal government.

13 Sec. 2. NEW SECTION. **729B.2 Cause of action.**

14 1. Any federal government employee or contractor who, under
15 color of any statute, ordinance, regulation, custom, or usage,
16 of the federal government, violates a right under the laws
17 of this state or the United States, the Constitution of the
18 United States, or the Constitution of the State of Iowa shall
19 be liable to the party injured in an action for money damages.

20 2. The plaintiff bears the burden of proving a violation of
21 a right by a preponderance of the evidence.

22 3. In an action under this chapter, a court shall enter a
23 judgment supported by findings of fact and conclusions of law.
24 The court shall make the findings of facts in a bench trial and
25 the jury shall make the findings in a jury trial. The court
26 shall make conclusions of law.

27 4. In any proceeding in which a plaintiff's claim prevails,
28 the defendant shall be liable for reasonable attorney fees and
29 other litigation costs. Reasonable attorney fees include those
30 incurred on an hourly or contingency basis, or by an attorney
31 providing services on a pro bono basis.

32 5. The court shall recognize that a plaintiff's claim
33 prevails if the plaintiff obtains any relief the plaintiff
34 seeks in the complaint, whether the relief is obtained through
35 judgment, settlement, or the federal government's voluntary

1 change in behavior.

2 6. Under the rules of civil procedure, the court may dismiss
3 a frivolous claim and may award reasonable attorney fees and
4 costs to the defendant for defending against a frivolous claim.

5 7. All documents, including complaints, judgments,
6 settlements, and consent decrees, are subject to chapter 22.

7 Sec. 3. NEW SECTION. 729B.3 Jurisdiction.

8 An action under this chapter arises out of the laws of this
9 state and is subject to Iowa rules of civil procedure.

10 EXPLANATION

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

13 This bill creates a cause of action for any person that
14 has been deprived of any rights under the Constitution of
15 the United States, the Constitution of the State of Iowa, or
16 federal or state laws by a federal employee or contractor. The
17 bill provides that the plaintiff bears the burden of proving a
18 violation of a right by a preponderance of the evidence.

19 The bill provides the court shall use findings of fact and
20 conclusions of law to support an order entered under the new
21 Code chapter.

22 The bill provides that if a plaintiff prevails, the
23 defendant may be liable for reasonable attorney fees and other
24 litigation costs.

25 Any action under this Code chapter shall be subject to the
26 provisions of Code chapter 22 (open records).