

Senate File 342

H-1343

1 Amend the House amendment, H-1342, to Senate File 342, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 29, line 25, and
4 inserting:

5 <Amend Senate File 342, as passed by the Senate, as follows:

6 1. By striking everything after the enacting clause and
7 inserting:

8

<DIVISION I

9

PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

10 Section 1. Section 9E.1, Code 2021, is amended to read as
11 follows:

12 **9E.1 Purpose.**

13 The general assembly finds that individuals attempting to
14 escape from actual or threatened domestic abuse, domestic
15 abuse assault, sexual abuse, assault, stalking, or human
16 trafficking frequently establish new addresses in order to
17 prevent their assailants or probable assailants from finding
18 them. The purpose of [this chapter](#) is to enable state and local
19 agencies to respond to requests for data without disclosing
20 the location of a victim of domestic abuse, domestic abuse
21 assault, sexual abuse, assault, stalking, or human trafficking;
22 to enable interagency cooperation with the secretary of state
23 in providing address confidentiality for victims of domestic
24 abuse, domestic abuse assault, sexual abuse, assault, stalking,
25 or human trafficking; and to enable program participants to use
26 an address designated by the secretary of state as a substitute
27 mailing address for the purposes specified in [this chapter](#).
28 In addition, the purpose of [this chapter](#) is to prevent such
29 victims from being physically located through a public records
30 search.

31 Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021,
32 is amended to read as follows:

33 *a. "Eligible person" means a person who is all a resident of
34 this state, an adult, a minor, or an incapacitated person as
35 defined in section 633.701, and is one of the following:*

1 (1) ~~A resident of this state.~~

2 (2) ~~An adult, a minor, or an incapacitated person as defined~~
3 ~~in [section 633.701](#).~~

4 (3) A victim of domestic abuse, domestic abuse assault,
5 sexual abuse, assault, stalking, or human trafficking as
6 evidenced by the filing of a petition pursuant to [section 236.3](#)
7 or a criminal complaint or information pursuant to section
8 [708.1](#), [708.2A](#), [708.11](#), or [710A.2](#), or any violation contained
9 in [chapter 709](#).

10 (2) A currently active or retired state or local judicial
11 officer, as defined in section 4.1, a federal judge, or a
12 spouse or child of such a person.

13 (3) A currently active or retired state or local prosecuting
14 attorney, as defined in section 801.4, or a spouse or child of
15 such a person.

16 (4) A currently active or retired peace officer, as defined
17 in section 801.4, civilian employee of a law enforcement
18 agency, or a spouse or child of such a person.

19 Sec. 3. Section 9E.3, subsection 1, paragraph b,
20 subparagraph (1), subparagraph division (a), Code 2021, is
21 amended to read as follows:

22 (a) The eligible person listed on the application is a
23 victim of domestic abuse, domestic abuse assault, sexual abuse,
24 assault, stalking, or human trafficking.

25 Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021,
26 is amended to read as follows:

27 e. The residential address of the eligible person,
28 disclosure of which could lead to an increased risk of domestic
29 abuse, domestic abuse assault, sexual abuse, assault, stalking,
30 or human trafficking.

31 Sec. 5. Section 9E.7, Code 2021, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 4A. Upon request by a program participant,
34 the assessor or the assessor's staff shall redact the
35 requestor's name contained in electronic documents that

1 are displayed for public access through an internet site.
2 The assessor shall implement and maintain a process to
3 facilitate these requests. A fee shall not be charged for the
4 administration of this paragraph.

5 Sec. 6. Section 22.10, subsection 3, paragraph b,
6 subparagraph (2), Code 2021, is amended to read as follows:

7 (2) Had good reason to believe and in good faith believed
8 facts which, if true, would have indicated compliance with the
9 requirements of this chapter. It shall constitute such good
10 reason and good faith belief and a court shall not assess any
11 damages, costs, or fees under this subsection if the person
12 incorrectly balanced the right of the public to receive public
13 records against the rights and obligations of the government
14 body to maintain confidential records as provided in section
15 22.7 under any judicially created balancing test, unless the
16 person is unable to articulate any reasonable basis for such
17 balancing.

18 Sec. 7. Section 331.604, subsection 3, Code 2021, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. *f.* (1) Upon request by a peace officer,
21 as defined in section 801.4, civilian employee of a law
22 enforcement agency, or state or federal judicial officer
23 or state or federal prosecutor, the county assessor or the
24 county assessor's staff, or the county recorder or the county
25 recorder's staff, shall redact the requestor's name contained
26 in electronic documents that are displayed for public access
27 through an internet site.

28 (2) Upon request by a former peace officer, as defined
29 in section 801.4, or a former civilian employee of a law
30 enforcement agency, the county assessor or the county
31 assessor's staff, or the county recorder or the county
32 recorder's staff, may redact, upon the presentation of evidence
33 that a compelling safety interest is served by doing so, the
34 requestor's name contained in electronic documents that are
35 displayed for public access through an internet site.

1 (3) This paragraph does not apply to a requestor holding or
2 seeking public office.

3 (4) The county assessor and the county recorder shall
4 implement and maintain a process to facilitate requests
5 pursuant to this paragraph.

6 (5) A fee shall not be charged for the administration of
7 this paragraph.

8 DIVISION II

9 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

10 Sec. 8. Section 554.9510, subsection 1, Code 2021, is
11 amended to read as follows:

12 1. *Filed record effective if authorized.* A filed record
13 is effective only to the extent that it was filed by a person
14 that may file it under [section 554.9509](#) or by the filing office
15 under section 554.9513A.

16 Sec. 9. NEW SECTION. 554.9513A **Termination of wrongfully**
17 **filed financing statement — reinstatement.**

18 1. *Trusted filer.* “*Trusted filer*” means a person that does
19 any of the following:

20 a. Regularly causes records to be communicated to the
21 filing office for filing and has provided the filing office
22 with current contact information and information sufficient to
23 establish the person’s identity.

24 b. Satisfies either of the following conditions:

25 (1) The filing office has issued the person credentials for
26 access to online filing services.

27 (2) The person has established a prepaid or direct debit
28 account for payment of filing fees, regardless of whether the
29 account is used in a particular transaction.

30 2. *Affidavit of wrongful filing.* A person identified as
31 debtor in a filed financing statement may deliver to the
32 filing office a notarized, sworn affidavit that identifies the
33 financing statement by file number, indicates the affiant’s
34 mailing address, and states that the affiant believes that
35 the filed record identifying the affiant as debtor was not

1 authorized to be filed and was caused to be communicated to the
2 filing office with the intent to harass or defraud the affiant.
3 The filing office may reject an affidavit that is incomplete or
4 that it believes was delivered to it with the intent to harass
5 or defraud the secured party. The office of the secretary
6 of state shall adopt a form of affidavit for use under this
7 section.

8 3. *Termination statement by filing office.* Subject to
9 subsection 11, if an affidavit is delivered to the filing
10 office under subsection 2, the filing office shall promptly
11 file a termination statement with respect to the financing
12 statement identified in the affidavit. The termination
13 statement must identify by its file number the initial
14 financing statement to which it relates and must indicate that
15 it was filed pursuant to this section. A termination statement
16 filed under this subsection is not effective until ninety days
17 after it is filed.

18 4. *No fee charged or refunded.* The filing office shall not
19 charge a fee for the filing of an affidavit under subsection
20 2 or a termination statement under subsection 3. The filing
21 office shall not return any fee paid for filing the financing
22 statement identified in the affidavit, whether or not the
23 financing statement is reinstated under subsection 7.

24 5. *Notice of termination statement.* On the same day that a
25 filing office files a termination statement under subsection
26 3, the filing office shall send to the secured party of record
27 for the financing statement to which the termination statement
28 relates a notice stating that the termination statement
29 has been filed and will become effective ninety days after
30 filing. The notice shall be sent by certified mail, return
31 receipt requested, to the address provided for the secured
32 party of record in the financing statement with a copy sent by
33 electronic mail to the electronic mail address provided by the
34 secured party of record, if any.

35 6. *Administrative review — action for reinstatement.* A

1 secured party that believes in good faith that the filed record
2 identified in an affidavit delivered to the filing office under
3 subsection 2 was authorized to be filed and was not caused to
4 be communicated to the filing office with the intent to harass
5 or defraud the affiant may:

6 *a.* Before the termination statement takes effect, request
7 that the filing office conduct an expedited review of the
8 filed record and any documentation provided by the secured
9 party. The filing office may as a result of this review remove
10 from the record the termination statement filed by it under
11 subsection 3 before the termination statement takes effect and
12 conduct an administrative review under subsection 11.

13 *b.* File an action against the filing office seeking
14 reinstatement of the financing statement to which the filed
15 record relates at any time before the expiration of six months
16 after the date on which the termination statement filed under
17 subsection 3 becomes effective. If the affiant is not named as
18 a defendant in the action, the secured party shall send a copy
19 of the petition to the affiant at the address indicated in the
20 affidavit. The exclusive venue for the action shall be in the
21 district court for the county where the filing office in which
22 the financing statement was filed is located. The action shall
23 be considered by the court on an expedited basis.

24 7. *Filing office to file notice of action for*
25 *reinstatement.* Within ten days after being served with process
26 in an action under subsection 6, the filing office shall file
27 a notice indicating that the action has been commenced. The
28 notice must indicate the file number of the initial financing
29 statement to which the notice relates.

30 8. *Action for reinstatement successful.* If, in an action
31 under subsection 6, the court determines that the financing
32 statement was authorized to be filed and was not caused to be
33 communicated to the filing office with the intent to harass or
34 defraud the affiant, the court shall order that the financing
35 statement be reinstated. If an order of reinstatement is

1 issued by the court, the filing office shall promptly file a
2 record that identifies by its file number the initial financing
3 statement to which the record relates and indicates that the
4 financing statement has been reinstated.

5 9. *Effect of reinstatement.* Upon the filing of a record
6 reinstating a financing statement under subsection 8, the
7 effectiveness of the financing statement is reinstated and the
8 financing statement shall be considered never to have been
9 terminated under this section except as against a purchaser of
10 the collateral that gives value in reasonable reliance upon
11 the termination. A continuation statement filed as provided
12 in section 554.9515, subsection 4, after the effective date of
13 a termination statement filed under subsection 3 or 11 becomes
14 effective if the financing statement is reinstated.

15 10. *Liability for wrongful filing.* If, in an action under
16 subsection 6, the court determines that the filed record
17 identified in an affidavit delivered to the filing office under
18 subsection 2 was caused to be communicated to the filing office
19 with the intent to harass or defraud the affiant, the filing
20 office and the affiant may recover from the secured party that
21 filed the action the costs and expenses, including reasonable
22 attorney fees and the reasonable allocated costs of internal
23 counsel, that the filing office and the affiant incurred in the
24 action. This recovery is in addition to any recovery to which
25 the affiant is entitled under section 554.9625.

26 11. *Procedure for record filed by trusted filer.* If an
27 affidavit delivered to a filing office under subsection 2
28 relates to a filed record communicated to the filing office by
29 a trusted filer, the filing office shall promptly send to the
30 secured party of record a notice stating that the affidavit has
31 been delivered to the filing office and that the filing office
32 is conducting an administrative review to determine whether the
33 record was caused to be communicated with the intent to harass
34 or defraud the affiant. The notice shall be sent by certified
35 mail, return receipt requested, to the address provided for

1 the secured party in the financing statement with a copy sent
2 by electronic mail to the electronic mail address provided
3 by the secured party of record, if any, and a copy shall be
4 sent in the same manner to the affiant. The administrative
5 review shall be conducted on an expedited basis and the filing
6 office may require the affiant and the secured party of record
7 to provide any additional information that the filing office
8 deems appropriate. If the filing office concludes that the
9 record was caused to be communicated with the intent to harass
10 or defraud the affiant, the filing office shall promptly file a
11 termination statement under subsection 2 that will be effective
12 immediately and send to the secured party of record the notice
13 required by subsection 5. The secured party may thereafter
14 file an action for reinstatement under subsection 6 and the
15 provisions of subsections 7 through 10 are applicable.

16 Sec. 10. NEW SECTION. 714.29 **Records filed with intent to**
17 **harass or defraud.**

18 1. A person shall not cause to be communicated to the filing
19 office as defined in section 554.9102 for filing a record if
20 all of the following are true:

21 a. The person is not authorized to file the record under
22 section 554.9509.

23 b. The record is not related to an existing or anticipated
24 transaction that is or will be governed by chapter 554, article
25 9.

26 c. The record is filed with the intent to harass or defraud
27 the person identified as debtor in the record.

28 2. A person that violates subsection 1 is guilty of a simple
29 misdemeanor for a first offense and a serious misdemeanor for a
30 second or subsequent offense.

31 DIVISION III

32 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

33 Sec. 11. NEW SECTION. 70A.23A **Credit for accrued sick leave**
34 **— retired public safety employees.**

35 A public safety employee, as defined in section 20.3,

1 subsection 11, who retires and has applied for retirement
2 benefits under an eligible retirement system, shall receive
3 credit for all accumulated, unused sick leave which shall be
4 converted at current value and credited to an account for the
5 public safety employee for the purpose of paying the public
6 safety employee's cost of the monthly premiums for continuance
7 of the public safety employee's health insurance plan. Upon
8 the death of a retired public safety employee, the surviving
9 spouse or dependents shall be entitled to the value of the
10 accumulated unused sick leave for the purpose of paying the
11 cost of monthly premiums for continuation of a public safety
12 employee's health insurance policy for the public safety
13 employee's surviving spouse or dependents. This section
14 shall not apply to a public safety employee covered under a
15 collective bargaining agreement which provides for an employer
16 paid retirement health savings plan.

17 DIVISION IV

18 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

19 Sec. 12. Section 97A.6, subsection 11, Code 2021, is amended
20 to read as follows:

21 11. *Pensions offset by compensation benefits.*

22 a. Any amounts which may be paid or payable by the state
23 under the provisions of any workers' compensation or similar
24 law to a member or to the dependents of a member on account of
25 any disability or death, shall be offset against and payable
26 in lieu of any benefits payable out of the retirement fund
27 provided by the state under the provisions of [this chapter](#) on
28 account of the same disability or death. In case the present
29 value of the total commuted benefits under said workers'
30 compensation or similar law is less than the present value
31 of the benefits otherwise payable from the retirement fund
32 provided by the state under [this chapter](#), then the present
33 value of the commuted payments shall be deducted from the
34 pension payable and such benefits as may be provided by the
35 system so reduced shall be payable under the provisions of this

1 chapter.

2 b. Notwithstanding paragraph "a", any workers' compensation
3 benefits received by a member for past medical expenses or
4 future medical expenses shall not be offset against and not
5 considered payable in lieu of any retirement allowance payable
6 pursuant to this section on account of the same disability.

7 c. Notwithstanding paragraph "a", any workers' compensation
8 benefits received by a member for reimbursement of vacation
9 time used, sick time used, or for any unpaid time off from work
10 shall not be offset against and not considered payable in lieu
11 of any retirement allowance payable pursuant to this section on
12 account of the same disability.

13 Sec. 13. Section 97B.50A, subsection 5, Code 2021, is
14 amended to read as follows:

15 5. *Offset to allowance.*

16 a. Notwithstanding any provisions to the contrary in state
17 law, or any applicable contract or policy, any amounts which
18 may be paid or payable by the employer under any workers'
19 compensation, unemployment compensation, employer-paid
20 disability plan, program, or policy, or other law to a member,
21 and any disability payments the member receives pursuant to
22 the federal Social Security Act, 42 U.S.C. §423 et seq.,
23 shall be offset against and payable in lieu of any retirement
24 allowance payable pursuant to [this section](#) on account of the
25 same disability.

26 b. Notwithstanding paragraph "a", any workers' compensation
27 benefits received by a member for past medical expenses or
28 future medical expenses shall not be offset against and not
29 considered payable in lieu of any retirement allowance payable
30 pursuant to this section on account of the same disability.

31 c. Notwithstanding paragraph "a", any workers' compensation
32 benefits received by a member for reimbursement of vacation
33 time used, sick time used, or for any unpaid time off from work
34 shall not be offset against and not considered payable in lieu
35 of any retirement allowance payable pursuant to this section on

1 account of the same disability.

2 DIVISION V

3 CIVIL SERVICE COMMISSION EXAMINATIONS

4 Sec. 14. Section 400.8, subsection 2, Code 2021, is amended
5 to read as follows:

6 2. The commission shall establish the guidelines for
7 conducting the examinations under subsection 1 of this section.
8 ~~It may prepare and administer the examinations or may~~ The
9 commission shall hire persons with expertise to do so if the
10 commission approves the examinations prepare and administer
11 the examinations approved by the commission. It may also
12 hire persons with expertise to consult in the preparation of
13 such examinations if the persons so hired are employed to aid
14 personnel of the commission in assuring that a fair examination
15 is conducted. A fair examination shall explore the competence
16 of the applicant in the particular field of examination.

17 Sec. 15. Section 400.9, subsection 2, Code 2021, is amended
18 to read as follows:

19 2. The commission shall establish guidelines for conducting
20 the examinations under subsection 1. ~~It may prepare and~~
21 ~~administer the examinations or may~~ The commission shall hire
22 persons with expertise to do so if the commission approves
23 the examinations and if the examinations apply to prepare and
24 administer the examinations approved by the commission for
25 the position in the city for which the applicant is taking
26 the examination. It may also hire persons with expertise to
27 consult in the preparation of such examinations if the persons
28 so hired are employed to aid personnel of the commission
29 in assuring that a fair examination is conducted. A fair
30 examination shall explore the competence of the applicant in
31 the particular field of examination. The names of persons
32 approved to administer any examination under this section shall
33 be posted in the city hall at least twenty-four hours prior to
34 the examination.

35 DIVISION VI

1 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

2 Sec. 16. Section 321.279, Code 2021, is amended to read as
3 follows:

4 **321.279 Eluding or attempting to elude pursuing law**
5 **enforcement vehicle.**

6 1. *a.* The driver of a motor vehicle commits a serious
7 misdemeanor if the driver willfully fails to bring the motor
8 vehicle to a stop or otherwise eludes or attempts to elude a
9 marked or unmarked official law enforcement vehicle driven by a
10 ~~uniformed~~ peace officer after being given a visual and audible
11 signal to stop. The signal given by the peace officer shall
12 be by flashing red light, or by flashing red and blue lights,
13 and siren. For purposes of [this section](#), "*peace officer*" means
14 those officers designated under [section 801.4, subsection 11](#),
15 paragraphs "*a*", "*b*", "*c*", "*f*", "*g*", and "*h*".

16 *b.* The driver of a motor vehicle who commits a second or
17 subsequent violation under [this subsection](#) is, upon conviction,
18 guilty of an aggravated misdemeanor.

19 2. *a.* The driver of a motor vehicle commits an aggravated
20 misdemeanor if the driver willfully fails to bring the motor
21 vehicle to a stop or otherwise eludes or attempts to elude a
22 marked or unmarked official law enforcement vehicle that is
23 driven by a ~~uniformed~~ peace officer after being given a visual
24 and audible signal as provided in [this section](#) and in doing so
25 exceeds the speed limit by twenty-five miles per hour or more.

26 *b.* The driver of a motor vehicle who commits a violation
27 under [this subsection](#) and who has previously committed a
28 violation under [this subsection](#) or [subsection 3](#) is, upon
29 conviction, guilty of a class "D" felony.

30 3. *a.* The driver of a motor vehicle commits a class "D"
31 felony if the driver willfully fails to bring the motor vehicle
32 to a stop or otherwise eludes or attempts to elude a marked or
33 unmarked official law enforcement vehicle that is driven by a
34 ~~uniformed~~ peace officer after being given a visual and audible
35 signal as provided in [this section](#), and in doing so exceeds the

1 speed limit by twenty-five miles per hour or more, and if any
2 of the following occurs:

3 (1) The driver is participating in a public offense, as
4 defined in [section 702.13](#), that is a felony.

5 (2) The driver is in violation of [section 321J.2](#).

6 (3) The driver is in violation of [section 124.401](#).

7 (4) The offense results in bodily injury to a person other
8 than the driver.

9 *b.* The driver of a motor vehicle who commits a second or
10 subsequent violation under [this subsection](#) is, upon conviction,
11 guilty of a class "C" felony.

12 **Sec. 17. NEW SECTION. 724.4D Authority to carry firearm**
13 **— peace officers.**

14 A peace officer shall not be prohibited from carrying a
15 firearm while engaged in the performance of official duties.

16 **Sec. 18. EFFECTIVE DATE.** This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 **DIVISION VII**

19 **ASSAULTS INVOLVING LASERS**

20 **Sec. 19.** Section 708.1, subsection 2, Code 2021, is amended
21 by adding the following new paragraph:

22 **NEW PARAGRAPH. *d.*** (1) Intentionally points a laser
23 emitting a visible light beam at another person with the intent
24 to cause pain or injury to another. For purposes of this
25 paragraph, "*laser*" means a device that emits a visible light
26 beam amplified by the stimulated emission of radiation and any
27 light which simulates the appearance of a laser.

28 (2) This paragraph does not apply to any of the following:

29 (a) A law enforcement officer who uses a laser in
30 discharging or attempting to discharge the officer's official
31 duties.

32 (b) A health care professional who uses a laser in providing
33 services within the scope of practice of that professional or
34 any other person who is licensed or authorized by law to use a
35 laser or who uses a laser in the performance of the person's

1 official duties.

2 (c) A person who uses a laser to play laser tag, paintball,
3 and other similar games using light-emitting diode technology.

4 Sec. 20. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 DIVISION VIII

7 ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY
8 CONDUCT

9 Sec. 21. Section 321.366, subsection 1, Code 2021, is
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other
12 pedestrian conveyance or be a pedestrian anywhere on a fully
13 controlled-access facility. For purposes of this paragraph,
14 "*pedestrian conveyance*" means any human-powered device by which
15 a pedestrian may move other than by walking or by which a
16 walking person may move another pedestrian, including but not
17 limited to strollers and wheelchairs.

18 Sec. 22. Section 708.3A, subsections 1, 2, 3, and 4, Code
19 2021, are amended to read as follows:

20 1. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, correctional staff,
22 member or employee of the board of parole, health care
23 provider, employee of the department of human services,
24 employee of the department of revenue, civilian employee of a
25 law enforcement agency, civilian employee of a fire department,
26 or fire fighter, whether paid or volunteer, with the knowledge
27 that the person against whom the assault is committed is a
28 peace officer, jailer, correctional staff, member or employee
29 of the board of parole, health care provider, employee of
30 the department of human services, employee of the department
31 of revenue, civilian employee of a law enforcement agency,
32 civilian employee of a fire department, or fire fighter and
33 with the intent to inflict a serious injury upon the peace
34 officer, jailer, correctional staff, member or employee of
35 the board of parole, health care provider, employee of the

1 department of human services, employee of the department
2 of revenue, civilian employee of a law enforcement agency,
3 civilian employee of a fire department, or fire fighter, is
4 guilty of a class "D" felony.

5 2. A person who commits an assault, as defined in section
6 708.1, against a peace officer, jailer, correctional staff,
7 member or employee of the board of parole, health care
8 provider, employee of the department of human services,
9 employee of the department of revenue, civilian employee of a
10 law enforcement agency, civilian employee of a fire department,
11 or fire fighter, whether paid or volunteer, who knows that
12 the person against whom the assault is committed is a peace
13 officer, jailer, correctional staff, member or employee of
14 the board of parole, health care provider, employee of the
15 department of human services, employee of the department
16 of revenue, civilian employee of a law enforcement agency,
17 civilian employee of a fire department, or fire fighter and
18 who uses or displays a dangerous weapon in connection with the
19 assault, is guilty of a class "D" felony.

20 3. A person who commits an assault, as defined in section
21 708.1, against a peace officer, jailer, correctional staff,
22 member or employee of the board of parole, health care
23 provider, employee of the department of human services,
24 employee of the department of revenue, civilian employee of a
25 law enforcement agency, civilian employee of a fire department,
26 or fire fighter, whether paid or volunteer, who knows that
27 the person against whom the assault is committed is a peace
28 officer, jailer, correctional staff, member or employee of
29 the board of parole, health care provider, employee of the
30 department of human services, employee of the department
31 of revenue, civilian employee of a law enforcement agency,
32 civilian employee of a fire department, or fire fighter, and
33 who causes bodily injury or mental illness, is guilty of an
34 aggravated misdemeanor.

35 4. Any other assault, as defined in [section 708.1](#), committed

1 against a peace officer, jailer, correctional staff, member
2 or employee of the board of parole, health care provider,
3 employee of the department of human services, employee of the
4 department of revenue, civilian employee of a law enforcement
5 agency, civilian employee of a fire department, or fire
6 fighter, whether paid or volunteer, by a person who knows
7 that the person against whom the assault is committed is a
8 peace officer, jailer, correctional staff, member or employee
9 of the board of parole, health care provider, employee of
10 the department of human services, employee of the department
11 of revenue, civilian employee of a law enforcement agency,
12 civilian employee of a fire department, or fire fighter, is a
13 serious misdemeanor.

14 Sec. 23. Section 708.7, subsection 2, paragraph a, Code
15 2021, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (4) Harassment that occurs against
17 another person who is lawfully in a place of public
18 accommodation as defined in section 216.2.

19 Sec. 24. Section 716.4, subsection 1, Code 2021, is amended
20 to read as follows:

21 1. Criminal mischief is criminal mischief in the second
22 degree if ~~the~~ any of the following apply:

23 a. The cost of replacing, repairing, or restoring the
24 property that is damaged, defaced, altered, or destroyed
25 exceeds one thousand five hundred dollars but does not exceed
26 ten thousand dollars.

27 b. The acts damaged, defaced, altered, or destroyed any
28 publicly owned property, including a monument or statue. In
29 addition to any sentence imposed for a violation of this
30 paragraph, the court shall include an order of restitution
31 for any property damage or loss incurred as a result of the
32 offense.

33 Sec. 25. Section 723.4, Code 2021, is amended by striking
34 the section and inserting in lieu thereof the following:

35 **723.4 Disorderly conduct.**

1 1. A person commits a simple misdemeanor when the person
2 does any of the following:

3 a. Engages in fighting or violent behavior in any public
4 place or in or near any lawful assembly of persons, provided,
5 that participants in athletic contests may engage in such
6 conduct which is reasonably related to that sport.

7 b. Makes loud and raucous noise in the vicinity of any
8 residence or public building which intentionally or recklessly
9 causes unreasonable distress to the occupants thereof.

10 c. Directs abusive epithets or makes any threatening gesture
11 which the person knows or reasonably should know is likely to
12 provoke a violent reaction by another.

13 d. Without lawful authority or color of authority, the
14 person disturbs any lawful assembly or meeting of persons by
15 conduct intended to disrupt the meeting or assembly.

16 e. By words or action, initiates or circulates a report or
17 warning of fire, epidemic, or other catastrophe, knowing such
18 report to be false or such warning to be baseless.

19 f. (1) Knowingly and publicly uses the flag of the United
20 States in such a manner as to show disrespect for the flag as
21 a symbol of the United States, with the intent or reasonable
22 expectation that such use will provoke or encourage another to
23 commit trespass or assault.

24 (2) As used in this paragraph:

25 (a) "*Deface*" means to intentionally mar the external
26 appearance.

27 (b) "*Defile*" means to intentionally make physically unclean.

28 (c) "*Flag*" means a piece of woven cloth or other material
29 designed to be flown from a pole or mast.

30 (d) "*Mutilate*" means to intentionally cut up or alter so as
31 to make imperfect.

32 (e) "*Show disrespect*" means to deface, defile, mutilate, or
33 trample.

34 (f) "*Trample*" means to intentionally tread upon or
35 intentionally cause a machine, vehicle, or animal to tread

1 upon.

2 (3) This paragraph does not apply to a flag retirement
3 ceremony conducted pursuant to federal law.

4 2. A person commits a serious misdemeanor when the person,
5 without lawful authority or color of authority, obstructs any
6 street, sidewalk, highway, or other public way, with the intent
7 to prevent or hinder its lawful use by others.

8 3. A person commits an aggravated misdemeanor when the
9 person commits disorderly conduct as described in subsection 2
10 and does any of the following:

11 a. Obstructs or attempts to obstruct a fully
12 controlled-access facility on a highway, street, or road in
13 which the speed restriction is controlled by section 321.285,
14 subsection 3, or section 321.285, subsection 5.

15 b. Commits property damage.

16 c. Is present during an unlawful assembly as defined in
17 section 723.2.

18 4. A person commits a class "D" felony when the person
19 commits disorderly conduct as described in subsection 2 and
20 does any of the following:

21 a. Is present during a riot as defined in section 723.1.

22 b. Causes bodily injury.

23 5. A person commits a class "C" felony when the person
24 commits disorderly conduct as described in subsection 2 and the
25 person causes serious bodily injury or death.

26 Sec. 26. EFFECTIVE DATE. This division of this Act, being
27 deemed of immediate importance, takes effect upon enactment.

28 DIVISION IX

29 ENFORCEMENT OF LAWS

30 Sec. 27. NEW SECTION. 27B.1 Definitions.

31 1. "Local entity" means the governing body of a city or
32 county. "Local entity" includes an officer or employee of a
33 local entity or a division, department, or other body that is
34 part of a local entity, including but not limited to a sheriff,
35 police department, city attorney, or county attorney.

1 2. *“Policy”* includes a rule, procedure, regulation, order,
2 ordinance, motion, resolution, or amendment, whether formal and
3 written or informal and unwritten.

4 Sec. 28. NEW SECTION. **27B.2 Restriction on enforcement of**
5 **state, local, and municipal law prohibited.**

6 A local entity or law enforcement department shall not
7 adopt or enforce a policy or take any other action under which
8 the local entity or law enforcement department prohibits or
9 discourages the enforcement of state, local, or municipal laws.

10 Sec. 29. NEW SECTION. **27B.3 Discrimination prohibited.**

11 A local entity or a person employed by or otherwise under the
12 direction or control of a local entity shall not consider race,
13 skin color, language spoken, or national origin while enforcing
14 state, local, and municipal laws except to the extent permitted
15 by the Constitution of the United States or the Constitution of
16 the State of Iowa.

17 Sec. 30. NEW SECTION. **27B.4 Complaints — notification —**
18 **civil action.**

19 1. Any person may file a complaint with the attorney general
20 alleging that a local entity has violated or is violating
21 this chapter if the person offers evidence to support such an
22 allegation. The person shall include with the complaint any
23 evidence the person has in support of the complaint.

24 2. A local entity for which the attorney general has
25 received a complaint pursuant to [this section](#) shall comply
26 with any document requests, including a request for supporting
27 documents, from the attorney general relating to the complaint.

28 3. A complaint filed pursuant to [subsection 1](#) shall not be
29 valid unless the attorney general determines that a violation
30 of [this chapter](#) by a local entity was intentional.

31 4. If the attorney general determines that a complaint filed
32 pursuant to [this section](#) against a local entity is valid, the
33 attorney general, not later than ten days after the date of
34 such a determination, shall provide written notification to the
35 local entity by certified mail, with return receipt requested,

1 stating all of the following:

2 *a.* A complaint pursuant to [this section](#) has been filed and
3 the grounds for the complaint.

4 *b.* The attorney general has determined that the complaint is
5 valid.

6 *c.* The attorney general is authorized to file a civil
7 action in district court pursuant to [subsection 6](#) to enjoin a
8 violation of [this chapter](#) no later than forty days after the
9 date on which the notification is received if the local entity
10 does not come into compliance with the requirements of this
11 chapter.

12 *d.* The local entity and any entity that is under the
13 jurisdiction of the local entity will be denied state funds
14 pursuant to [section 27B.5](#) for the state fiscal year following
15 the year in which a final judicial determination in a civil
16 action brought under [this section](#) is made.

17 5. No later than thirty days after the date on which a local
18 entity receives written notification under [subsection 4](#), the
19 local entity shall provide the attorney general with all of the
20 following:

21 *a.* Copies of all of the local entity's written policies
22 relating to the complaint.

23 *b.* A description of all actions the local entity has taken
24 or will take to correct any violations of [this chapter](#).

25 *c.* If applicable, any evidence that would refute the
26 allegations made in the complaint.

27 6. No later than forty days after the date on which the
28 notification pursuant to [subsection 4](#) is received, the attorney
29 general shall file a civil action in district court to enjoin
30 any ongoing violation of [this chapter](#) by a local entity.

31 Sec. 31. NEW SECTION. **27B.5 Denial of state funds.**

32 1. Notwithstanding any other provision of law to the
33 contrary, a local entity, including any entity under the
34 jurisdiction of the local entity, shall be ineligible to
35 receive any state funds if the local entity intentionally

1 violates [this chapter](#).

2 2. State funds shall be denied to a local entity pursuant
3 to [subsection 1](#) by all state agencies for each state fiscal
4 year that begins after the date on which a final judicial
5 determination that the local entity has intentionally violated
6 this chapter is made in a civil action brought pursuant to
7 section 27B.4, subsection 6. State funds shall continue
8 to be denied until eligibility to receive state funds is
9 reinstated under [section 27B.6](#). However, any state funds for
10 the provision of wearable body protective gear used for law
11 enforcement purposes shall not be denied under [this section](#).

12 3. The department of management shall adopt rules pursuant
13 to [chapter 17A](#) to implement [this section](#) and [section 27B.6](#)
14 uniformly across state agencies from which state funds are
15 distributed to local entities.

16 Sec. 32. NEW SECTION. **27B.6 Reinstatement of eligibility**
17 **to receive state funds.**

18 1. Except as provided by [subsection 5](#), no earlier than
19 ninety days after the date of a final judicial determination
20 that a local entity has intentionally violated the provisions
21 of [this chapter](#), the local entity may petition the district
22 court that heard the civil action brought pursuant to section
23 27B.4, subsection 6, to seek a declaratory judgment that the
24 local entity is in full compliance with [this chapter](#).

25 2. A local entity that petitions the court as described by
26 subsection 1 shall comply with any document requests, including
27 a request for supporting documents, from the attorney general
28 relating to the action.

29 3. If the court issues a declaratory judgment declaring that
30 the local entity is in full compliance with [this chapter](#), the
31 local entity's eligibility to receive state funds is reinstated
32 beginning on the first day of the month following the date on
33 which the declaratory judgment is issued.

34 4. A local entity shall not petition the court as described
35 in [subsection 1](#) more than twice in one twelve-month period.

1 5. A local entity may petition the court as described in
2 subsection 1 before the date provided in [subsection 1](#) if the
3 person who was the director or other chief officer of the
4 local entity at the time of the violation of [this chapter](#) is
5 subsequently removed from or otherwise leaves office.

6 6. A party shall not be entitled to recover any attorney
7 fees in a civil action described by [subsection 1](#).

8 Sec. 33. NEW SECTION. **27B.7 Attorney general database.**

9 The attorney general shall develop and maintain a searchable
10 database listing each local entity for which a final judicial
11 determination described in [section 27B.5, subsection 2](#), has
12 been made. The attorney general shall post the database on the
13 attorney general's internet site.

14

DIVISION X

15

QUALIFIED IMMUNITY

16 Sec. 34. NEW SECTION. **669.14A Qualified immunity.**

17 1. Notwithstanding any other provision of law, an employee
18 of the state subject to a claim brought under this chapter
19 shall not be liable for monetary damages if any of the
20 following apply:

21 *a.* The right, privilege, or immunity secured by law was not
22 clearly established at the time of the alleged deprivation,
23 or at the time of the alleged deprivation the state of the
24 law was not sufficiently clear that every reasonable employee
25 would have understood that the conduct alleged constituted a
26 violation of law.

27 *b.* A court of competent jurisdiction has issued a final
28 decision on the merits holding, without reversal, vacatur, or
29 preemption, that the specific conduct alleged to be unlawful
30 was consistent with the law.

31 2. The state or a state agency shall not be liable for
32 any claim brought under this chapter where the employee
33 was determined to be protected by qualified immunity under
34 subsection 1.

35 3. A plaintiff who brings a claim under this chapter

1 alleging a violation of the law must state with particularity
2 the circumstances constituting the violation and that the law
3 was clearly established at the time of the alleged violation.
4 Failure to plead a plausible violation or failure to plead that
5 the law was clearly established at the time of the alleged
6 violation shall result in dismissal with prejudice.

7 4. Any decision by the district court denying qualified
8 immunity shall be immediately appealable.

9 5. This section shall apply in addition to any other
10 statutory or common law immunity.

11 Sec. 35. NEW SECTION. **669.26 Money damages — nonwaiver**
12 **of rights.**

13 This chapter shall not be construed to be a waiver of
14 sovereign immunity for a claim for money damages under the
15 Constitution of the State of Iowa.

16 Sec. 36. NEW SECTION. **670.4A Qualified immunity.**

17 1. Notwithstanding any other provision of law, an employee
18 or officer subject to a claim brought under this chapter shall
19 not be liable for monetary damages if any of the following
20 apply:

21 a. The right, privilege, or immunity secured by law was not
22 clearly established at the time of the alleged deprivation,
23 or at the time of the alleged deprivation the state of the
24 law was not sufficiently clear that every reasonable employee
25 would have understood that the conduct alleged constituted a
26 violation of law.

27 b. A court of competent jurisdiction has issued a final
28 decision on the merits holding, without reversal, vacatur, or
29 preemption, that the specific conduct alleged to be unlawful
30 was consistent with the law.

31 2. A municipality shall not be liable for any claim brought
32 under this chapter where the employee or officer was determined
33 to be protected by qualified immunity under subsection 1.

34 3. A plaintiff who brings a claim under this chapter
35 alleging a violation of the law must state with particularity

1 the circumstances constituting the violation and that the law
2 was clearly established at the time of the alleged violation.
3 Failure to plead a plausible violation or failure to plead that
4 the law was clearly established at the time of the alleged
5 violation shall result in dismissal with prejudice.

6 4. Any decision by the district court denying qualified
7 immunity shall be immediately appealable.

8 5. This section shall apply in addition to any other
9 statutory or common law immunity.

10 Sec. 37. NEW SECTION. **670.14 Money damages — nonwaiver**
11 **of rights.**

12 This chapter shall not be construed to be a waiver of
13 sovereign immunity for a claim for money damages under the
14 Constitution of the State of Iowa.

15 Sec. 38. EFFECTIVE DATE. This division of this Act, being
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION XI

18 PUBLIC DISORDER

19 Sec. 39. Section 723.1, Code 2021, is amended to read as
20 follows:

21 **723.1 Riot.**

22 A riot is three or more persons assembled together in a
23 violent and disturbing manner, ~~to the disturbance of others,~~
24 and with any use of unlawful force or violence by them or any
25 of them against another person, or causing property damage.
26 A person who willingly joins in or remains a part of a riot,
27 knowing or having reasonable grounds to believe that it is
28 such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

29 Sec. 40. Section 723.2, Code 2021, is amended to read as
30 follows:

31 **723.2 Unlawful assembly.**

32 An unlawful assembly is three or more persons assembled
33 together, with them or any of them acting in a violent manner,
34 and with intent that they or any of them will commit a public
35 offense. A person who willingly joins in or remains a part

1 of an unlawful assembly, or who joined a lawful assembly but
2 willingly remains after the assembly becomes unlawful, knowing
3 or having reasonable grounds to believe that it is such,
4 commits ~~a simple~~ an aggravated misdemeanor.

5 Sec. 41. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7 DIVISION XII

8 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF
9 RIGHTS

10 Sec. 42. Section 80F.1, subsection 1, paragraph a, Code
11 2021, is amended to read as follows:

12 a. "*Complaint*" means a formal written allegation signed
13 by the complainant or a signed written statement by an
14 officer receiving an oral complaint stating the complainant's
15 allegation.

16 Sec. 43. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,
17 Code 2021, are amended to read as follows:

18 3. A formal administrative investigation of an officer
19 shall be commenced and completed in a reasonable period of time
20 ~~and an.~~ An officer shall be immediately notified in writing
21 of the results of the investigation when the investigation is
22 completed.

23 5. An officer who is the subject of a complaint, shall at a
24 minimum, be provided a written summary of the complaint prior
25 to an interview. If a collective bargaining agreement applies,
26 the complaint or written summary shall be provided pursuant
27 to the procedures established under the collective bargaining
28 agreement. If the complaint alleges domestic abuse, sexual
29 abuse, workplace harassment, or sexual harassment, an officer
30 shall not receive more than a written summary of the complaint.

31 8. a. The officer shall have the right to have the
32 assistance of legal counsel present, at the officer's expense,
33 during the interview of the officer and during hearings or
34 other disciplinary or administrative proceedings relating
35 to the complaint. In addition, the officer shall have the

1 right, at the officer's expense, to have a union representative
2 present during the interview or, if not a member of a union,
3 the officer shall have the right to have a designee present.

4 b. The officer's legal counsel, union representative, or
5 employee representative shall not be compelled to disclose in
6 any judicial proceeding, nor be subject to any investigation
7 or punitive action for refusing to disclose, any information
8 received from an officer under investigation or from an
9 agent of the officer, so long as the officer or agent of the
10 officer is an uninvolved party and not considered a witness
11 to any incident. The officer's legal counsel may coordinate
12 and communicate in confidence with the officer's designated
13 union representative or employee representative, and such
14 communications are not subject to discovery in any proceeding.

15 9. If a formal administrative investigation results in
16 the removal, discharge, or suspension, or other disciplinary
17 action against an officer, copies of any witness statements
18 and the complete investigative agency's report shall be timely
19 provided to the officer upon the request of the officer or the
20 officer's legal counsel upon request at the completion of the
21 investigation.

22 13. An officer shall have the right to ~~pursue civil remedies~~
23 ~~under the law~~ bring a cause of action against a citizen any
24 person, group of persons, organization, or corporation for
25 damages arising from the filing of a false complaint against
26 the officer or any other violation of this chapter including
27 but not limited to actual damages, court costs, and reasonable
28 attorney fees.

29 18. A municipality, county, or state agency employing
30 an officer shall not publicly release the officer's official
31 photograph without the written permission of the officer or
32 without a request to release pursuant to [chapter 22](#). An
33 officer's personal information including but not limited to the
34 officer's home address, personal telephone number, personal
35 electronic mail address, date of birth, social security number,

1 and driver's license number shall be confidential and shall be
2 redacted from any record prior to the record's release to the
3 public by the employing agency. Nothing in this subsection
4 prohibits the release of an officer's photograph or unredacted
5 personal information to the officer's legal counsel, union
6 representative, or designated employee representative upon the
7 officer's request.

8 Sec. 44. Section 80F.1, Code 2021, is amended by adding the
9 following new subsections:

10 NEW SUBSECTION. 20. The employing agency shall keep
11 an officer's statement, recordings, or transcripts of any
12 interviews or disciplinary proceedings, and any complaints
13 made against an officer confidential unless otherwise provided
14 by law or with the officer's written consent. Nothing in
15 this section prohibits the release of an officer's statement,
16 recordings, or transcripts of any interviews or disciplinary
17 proceedings, and any complaints made against an officer to
18 the officer or the officer's legal counsel upon the officer's
19 request.

20 NEW SUBSECTION. 21. An agency employing full-time or
21 part-time officers shall provide training to any officer or
22 supervisor who performs or supervises an investigation under
23 this section, and shall maintain documentation of any training
24 related to this section. The Iowa law enforcement academy
25 shall adopt minimum training standards not inconsistent with
26 this subsection, including training standards concerning
27 interviewing an officer subject to a complaint.

28 NEW SUBSECTION. 22. Upon written request, the employing
29 agency shall provide to the requesting officer or the officer's
30 legal counsel a copy of the officer's personnel file and
31 training records regardless of whether the officer is subject
32 to a formal administrative investigation at the time of the
33 request.

34
35

DIVISION XIII
CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

1 Sec. 45. NEW SECTION. 321.366A Immunity from civil
2 liability for certain vehicle operators.

3 1. The driver of a vehicle who is exercising due care and
4 who injures another person who is participating in a protest,
5 demonstration, riot, or unlawful assembly or who is engaging in
6 disorderly conduct and is blocking traffic in a public street
7 or highway shall be immune from civil liability for the injury
8 caused by the driver of the vehicle.

9 2. The driver of a vehicle who injures another person
10 who is participating in a protest, demonstration, riot, or
11 unlawful assembly or who is engaging in disorderly conduct and
12 is blocking traffic in a public street or highway shall not
13 be immune from civil liability if the actions leading to the
14 injury caused by the driver of a vehicle constitute reckless
15 or willful misconduct.

16 3. Subsection 1 shall not apply if the injured person
17 participating in a protest or demonstration was doing so with a
18 valid permit allowing persons to protest or demonstrate on the
19 public street or highway where the injury occurred.

20 Sec. 46. EFFECTIVE DATE. This division of this Act, being
21 deemed of immediate importance, takes effect upon enactment.

22 DIVISION XIV
23 WINDOW TINTING

24 Sec. 47. Section 321.438, subsection 2, Code 2021, is
25 amended to read as follows:

26 2. A person shall not operate on the highway a motor
27 vehicle equipped with a front windshield, a side window to the
28 immediate right or left of the driver, or a ~~side-wing~~ sidewing
29 forward of and to the left or right of the driver which is
30 excessively dark or reflective so that it is difficult for a
31 person outside the motor vehicle to see into the motor vehicle
32 through the windshield, window, or sidewing.

33 a. The department shall adopt rules establishing a minimum
34 measurable standard of transparency which shall apply to
35 violations of this subsection.

1 b. This subsection does not apply to a person who operates
2 a motor vehicle owned or leased by a federal, state, or local
3 law enforcement agency if the operation is part of the person's
4 official duties.

5 Sec. 48. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7 DIVISION XV

8 SHERIFF SALARIES

9 Sec. 49. Section 331.907, subsection 1, Code 2021, is
10 amended to read as follows:

11 1. The annual compensation of the auditor, treasurer,
12 recorder, sheriff, county attorney, and supervisors shall
13 be determined as provided in [this section](#). The county
14 compensation board annually shall review the compensation
15 paid to comparable officers in other counties of this
16 state, other states, private enterprise, and the federal
17 government. In setting the salary of the county sheriff,
18 the county compensation board shall ~~consider setting~~ set the
19 sheriff's salary so that it is comparable to salaries paid
20 to professional law enforcement administrators and command
21 officers of the state patrol, the division of criminal
22 investigation of the department of public safety, and city
23 ~~police agencies in this state~~ chiefs employed by cities of
24 similar population to the population of the county. The county
25 compensation board shall prepare a compensation schedule for
26 the elective county officers for the succeeding fiscal year. A
27 recommended compensation schedule requires a majority vote of
28 the membership of the county compensation board.

29 DIVISION XVI

30 CONFIDENTIAL COMMUNICATIONS — PEER SUPPORT — GROUP COUNSELORS

31 Sec. 50. Section 622.10, subsection 9, paragraphs a and b,
32 Code 2021, are amended to read as follows:

33 a. A peer support group counselor or individual present
34 for a group crisis intervention who obtains information from
35 an officer or a civilian employee of a law enforcement agency

1 or fire department by reason of the counselor's capacity as a
 2 peer support group counselor or an individual's presence for
 3 a group crisis intervention shall not be allowed, in giving
 4 testimony, to disclose any confidential communication properly
 5 entrusted to the counselor or individual present for a group
 6 crisis intervention by the officer or civilian employee while
 7 receiving counseling or group crisis intervention.

8 *b.* The prohibition in this subsection does not apply
 9 where the officer or civilian employee has consented to the
 10 disclosure of the information specified in paragraph "a" or
 11 where the peer support group counselor or individual present
 12 for a group crisis intervention was an initial responding
 13 officer, a witness, or a party to the incident which prompted
 14 the delivery of peer support group counseling services or the
 15 group crisis intervention to the officer or civilian employee.

16 DIVISION XVII

17 DISABILITY MEDICAL BENEFITS — IOWA PUBLIC RETIREMENT SYSTEM

18 Sec. 51. Section 97B.50A, Code 2021, is amended by adding
 19 the following new subsection:

20 NEW SUBSECTION. 8A. *Medical benefits.* An employer shall
 21 furnish reasonable surgical, medical, dental, osteopathic,
 22 chiropractic, podiatric, physical rehabilitation, nursing,
 23 ambulance, and hospital services and supplies for a member who
 24 is injured in the performance of the member's duties and is
 25 receiving an in-service disability retirement allowance under
 26 subsection 2 or has waived an in-service disability retirement
 27 allowance under subsection 4, regardless of when the injury
 28 occurred or when the member's in-service disability allowance
 29 commenced.

30 DIVISION XVIII

31 OFFICER DISCIPLINARY ACTIONS

32 Sec. 52. Section 80F.1, Code 2021, is amended by adding the
 33 following new subsection:

34 NEW SUBSECTION. 23. *a.* An officer shall not be discharged,
 35 disciplined, or threatened with discharge or discipline by a

1 state, county, or municipal law enforcement agency solely due
2 to a prosecuting attorney making a determination or disclosure
3 that exculpatory evidence exists concerning the officer.

4 *b.* This subsection does not prohibit a law enforcement
5 agency from dismissing, suspending, demoting, or taking other
6 disciplinary actions against an officer based on the underlying
7 actions that resulted in the exculpatory evidence being
8 withheld. If a collective bargaining agreement applies, the
9 actions taken by the law enforcement agency shall conform to
10 the rules and procedures adopted by the collective bargaining
11 agreement.

12 Sec. 53. FUTURE REPEAL. This division is repealed July 1,
13 2022.

14 Sec. 54. BRADY-GIGLIO LIST INTERIM COMMITTEE.

15 1. The legislative council is requested to establish a
16 Brady-Giglio list interim committee for the 2021 interim. The
17 purpose of the committee shall be to do all of the following:

18 *a.* Study the disclosure of information contained in officer
19 personnel files as such information relates to a Brady-Giglio
20 list.

21 *b.* Study the efficiency of implementing a statewide system
22 for a Brady-Giglio list, identifying impartial entities to
23 conduct investigations pertaining to an officer's acts or
24 omissions to act, and recommending the appropriate procedures,
25 due process protections, appeal rights, and criteria for the
26 placement and removal of an officer's name on and from a
27 Brady-Giglio list.

28 *c.* Study any other issues that the committee determines
29 relevant to its objective. The committee may solicit the
30 advice or testimony of any organization or individual with
31 information or expertise relevant to the purpose of the
32 committee.

33 2. The committee shall consist of three members of the
34 senate appointed by the majority leader of the senate, two
35 members of the senate appointed by the minority leader of the

1 senate, three members of the house of representatives appointed
2 by the speaker of the house of representatives, and two members
3 of the house of representatives appointed by the minority
4 leader of the house of representatives. Additional committee
5 members shall include the commissioner of the department of
6 public safety or the commissioner's designee, a district court
7 judge appointed by the supreme court, and representatives from
8 all of the following: the Iowa county attorneys association,
9 the Iowa sheriffs and deputies association, the Iowa police
10 chiefs association, the Iowa state police association, the
11 Iowa peace officers association, the Iowa professional fire
12 fighters, the Iowa state troopers association, and the Iowa
13 state patrol supervisors association. The Iowa sheriffs and
14 deputies association member representative shall be an officer
15 who does not hold rank.

16 3. The committee shall elect a chairperson from the members
17 appointed.

18 4. The committee shall issue a report, including findings
19 and recommendations, to the governor and the general assembly
20 no later than December 16, 2021.

21 5. For the purposes of this section, "Brady-Giglio list"
22 means a list of officers maintained by the county attorney's
23 office, including officers who may not have disclosed all
24 impeachment information and officers who may have violated the
25 pretrial discovery rule requiring officers to turn over all
26 evidence that might be used to exonerate a defendant.>

27 2. Title page, by striking lines 1 through 6 and inserting
28 <An Act relating to public records including confidentiality,
29 access, and enforcement of public violations; uniform
30 commercial code filings; certain employment matters including
31 certain benefits, workers' compensation, civil service
32 examinations, and sheriff salaries; qualified immunity;
33 communications in professional confidence; law enforcement
34 including officer rights and disciplinary actions, eluding law
35 enforcement, and the carrying of firearms; assaults involving

1 lasers; the enforcement of laws; public disorder, assault,
2 harassment, criminal mischief, unlawful obstruction of certain
3 highways, and disorderly conduct; civil liability for certain
4 vehicle operators; and window tinting; and providing penalties
5 and including effective date provisions.>>

KLEIN of Washington