

House File 698

H-1344

1 Amend the amendment, H-1340, to House File 698, as follows:

2 1. Page 1, by striking lines 1 through 29 and inserting:

3 <Amend House File 698 as follows:

4 1. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 80F.1, subsection 1, Code 2021, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. *g.* "*Brady list*" means a list of officers
9 maintained by the county attorney's office, including officers
10 who may have impeached themselves as witnesses and officers
11 who may have violated the pretrial discovery rule requiring
12 officers to turn over all evidence that might be used to
13 exonerate a defendant.

14 Sec. 2. Section 80F.1, Code 2021, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 20. *a.* An officer shall not be discharged,
17 disciplined, or threatened with discharge or discipline by a
18 state, county, or municipal law enforcement agency solely due
19 to the inclusion of the officer's name on a Brady list.

20 *b.* This subsection does not prohibit a law enforcement
21 agency from dismissing, suspending, demoting, or taking other
22 disciplinary actions against an officer based on the underlying
23 actions that resulted in the officer's name being placed on
24 a Brady list including any impeachment evidence against the
25 officer or evidence that the officer may not have turned
26 over exculpatory evidence to a defendant. If a collective
27 bargaining agreement applies, the actions taken by the law
28 enforcement agency shall conform to the rules and procedures
29 adopted by the collective bargaining agreement.

30 Sec. 3. BRADY LIST INTERIM COMMITTEE.

31 1. The legislative council is requested to establish a Brady
32 list interim committee for the 2021 interim. The purpose of
33 the committee shall be to do all of the following:

34 *a.* Study the disclosure of information contained in officer
35 personnel files as such information relates to a Brady list as

1 defined in section 80F.1.

2 b. Study the efficiency of implementing a statewide system
3 for a Brady list, identifying impartial entities to conduct
4 investigations pertaining to an officer's acts or omissions to
5 act, and recommending the appropriate procedures, due process
6 protections, appeal rights, and criteria for the placement and
7 removal of an officer's name on and from a Brady list.

8 c. Study any other issues that the committee determines
9 relevant to its objective. The committee may solicit the
10 advice or testimony of any organization or individual with
11 information or expertise relevant to the purpose of the
12 committee.

13 2. The committee shall consist of three members of the
14 senate appointed by the majority leader of the senate, two
15 members of the senate appointed by the minority leader of
16 the senate, three members of the house of representatives
17 appointed by the speaker of the house of representatives,
18 and two members of the house of representatives appointed
19 by the minority leader of the house of representatives.
20 Additional committee members shall include the commissioner
21 of the department of public safety or the commissioner's
22 designee, a district court judge appointed by the supreme
23 court, two representatives from the Iowa sheriffs and deputies
24 association, and one representative from each of the following:
25 the Iowa county attorneys association, the Iowa police chiefs
26 association, the Iowa state police association, the Iowa peace
27 officers association, the Iowa fraternal order of police,
28 the Iowa professional fire fighters, the Iowa state troopers
29 association, and the Iowa state patrol supervisors association.
30 The Iowa sheriffs and deputies association members shall
31 include an officer in a supervisory position and an officer who
32 does not hold rank.

33 3. The committee shall elect a chairperson from the members
34 appointed.

35 4. The committee shall issue a report, including findings

1 and recommendations, to the governor and the general assembly
2 no later than December 16, 2021.>
3 2. Title page, by striking lines 1 and 2 and inserting <An
4 Act relating to officer disciplinary actions.>>

KLEIN of Washington