

Senate File 342

H-1346

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 judicial officer or
11 a spouse or child of such a person. For purposes of this
12 subparagraph, "judicial officer" means the same as defined in
13 section 602.1101 and includes a federal judge.

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

17 (4) A currently active or retired peace officer, as defined
18 in section 801.4, 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 subsection.

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
9 the requirements of this chapter. For purposes of this
10 subparagraph, "good reason to believe and in good faith believed"
11 means the person engaged in a balancing test in weighing the
12 individual privacy interest against the public's need to access
13 the record based upon a reasonable reliance on the facts.

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

16 NEW PARAGRAPH. *f.* Upon request by a law enforcement
17 officer, as defined in section 80B.3, or state or federal
18 judicial officer or state or federal prosecutor, the assessor
19 or the assessor's staff shall redact the requestor's name
20 contained in electronic documents that are displayed for public
21 access through an internet site. This paragraph does not apply
22 to a requestor holding or seeking public office. The assessor
23 shall implement and maintain a process to facilitate these
24 requests. A fee shall not be charged for the administration
25 of this paragraph.

26 Sec. 8. Section 622.10, subsection 9, paragraphs a and b,
27 Code 2021, are amended to read as follows:

28 *a.* A peer support group counselor or individual present
29 for a group crisis intervention who obtains information from
30 an officer or a civilian employee of a law enforcement agency
31 or fire department by reason of the counselor's capacity as a
32 peer support group counselor or an individual's presence for
33 a group crisis intervention shall not be allowed, in giving
34 testimony, to disclose any confidential communication properly
35 entrusted to the counselor or individual present for a group

1 financing statement by file number, indicates the affiant's
2 mailing address, and states that the affiant believes that
3 the filed record identifying the affiant as debtor was not
4 authorized to be filed and was caused to be communicated to the
5 filing office with the intent to harass or defraud the affiant.
6 The filing office may reject an affidavit that is incomplete or
7 that it believes was delivered to it with the intent to harass
8 or defraud the secured party. The office of the secretary
9 of state shall adopt a form of affidavit for use under this
10 section.

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

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

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

1 electronic mail to the electronic mail address provided by the
2 secured party of record, if any.

3 6. *Administrative review — action for reinstatement.* A
4 secured party that believes in good faith that the filed record
5 identified in an affidavit delivered to the filing office under
6 subsection 2 was authorized to be filed and was not caused to
7 be communicated to the filing office with the intent to harass
8 or defraud the affiant may:

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

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

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

33 8. *Action for reinstatement successful.* If, in an action
34 under subsection 6, the court determines that the financing
35 statement was authorized to be filed and was not caused to be

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

19 Sec. 11. NEW SECTION. 714.29 Records filed with intent to
20 harass or defraud.

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

24 a. The person is not authorized to file the record under
25 section 554.9509.

26 b. The record is not related to an existing or anticipated
27 transaction that is or will be governed by chapter 554, article
28 9.

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

31 2. A person that violates subsection 1 is guilty of a simple
32 misdemeanor for a first offense and a serious misdemeanor for a
33 second or subsequent offense.

34

DIVISION III

35

ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

1 11. *Pensions offset by compensation benefits.*

2 a. Any amounts which may be paid or payable by the state
3 under the provisions of any workers' compensation or similar
4 law to a member or to the dependents of a member on account of
5 any disability or death, shall be offset against and payable
6 in lieu of any benefits payable out of the retirement fund
7 provided by the state under the provisions of **this chapter** on
8 account of the same disability or death. In case the present
9 value of the total commuted benefits under said workers'
10 compensation or similar law is less than the present value
11 of the benefits otherwise payable from the retirement fund
12 provided by the state under **this chapter**, then the present
13 value of the commuted payments shall be deducted from the
14 pension payable and such benefits as may be provided by the
15 system so reduced shall be payable under the provisions of this
16 chapter.

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

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

28 Sec. 15. Section 97B.50A, subsection 5, Code 2021, is
29 amended to read as follows:

30 5. *Offset to allowance.*

31 a. Notwithstanding any provisions to the contrary in state
32 law, or any applicable contract or policy, any amounts which
33 may be paid or payable by the employer under any workers'
34 compensation, unemployment compensation, employer-paid
35 disability plan, program, or policy, or other law to a member,

1 and any disability payments the member receives pursuant to
2 the federal Social Security Act, 42 U.S.C. §423 et seq.,
3 shall be offset against and payable in lieu of any retirement
4 allowance payable pursuant to [this section](#) on account of the
5 same disability.

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

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

17 DIVISION V

18 CIVIL SERVICE COMMISSION EXAMINATIONS

19 Sec. 16. Section 400.8, subsection 2, Code 2021, is amended
20 to read as follows:

21 2. The commission shall establish the guidelines for
22 conducting the examinations under [subsection 1](#) of [this section](#).
23 ~~It may prepare and administer the examinations or may~~ The
24 commission shall hire persons with expertise to ~~do so if the~~
25 ~~commission approves the examinations~~ prepare and administer
26 the examinations approved by the commission. It may also
27 hire persons with expertise to consult in the preparation of
28 such examinations if the persons so hired are employed to aid
29 personnel of the commission in assuring that a fair examination
30 is conducted. A fair examination shall explore the competence
31 of the applicant in the particular field of examination.

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

34 2. The commission shall establish guidelines for conducting
35 the examinations under [subsection 1](#). ~~It may prepare and~~

1 ~~administer the examinations or may~~ The commission shall hire
2 ~~persons with expertise to do so if the commission approves~~
3 ~~the examinations and if the examinations apply to~~ prepare and
4 administer the examinations approved by the commission for
5 the position in the city for which the applicant is taking
6 the examination. It may also hire persons with expertise to
7 consult in the preparation of such examinations if the persons
8 so hired are employed to aid personnel of the commission
9 in assuring that a fair examination is conducted. A fair
10 examination shall explore the competence of the applicant in
11 the particular field of examination. The names of persons
12 approved to administer any examination under **this section** shall
13 be posted in the city hall at least twenty-four hours prior to
14 the examination.

15 DIVISION VI

16 COLLECTIVE BARGAINING

17 Sec. 18. Section 20.1, subsection 2, paragraph a, Code 2021,
18 is amended to read as follows:

19 *a.* Determining appropriate bargaining units, amending
20 the composition of previously determined bargaining units
21 represented by a certified employee organization, reconsidering
22 and altering the composition of previously determined
23 bargaining units which are not represented by a certified
24 employee organization, and conducting representation elections.

25 Sec. 19. Section 20.3, subsection 11, Code 2021, is amended
26 by adding the following new paragraphs:

27 NEW PARAGRAPH. *g.* A correctional officer or correctional
28 supervisor employed by the Iowa department of corrections whose
29 primary purpose is, through ongoing direct inmate contact, to
30 enforce and maintain discipline, safety, and security within a
31 correctional facility.

32 NEW PARAGRAPH. *h.* A jailer or detention officer who
33 performs duties as a jailer, including but not limited to the
34 transportation of inmates, who is certified as having completed
35 jailer training pursuant to chapter 80B, and who is employed

1 by a county as a jailer.

2 NEW PARAGRAPH. *i.* A peace officer employed by an
3 institution under the control of the state board of regents
4 whose position requires law enforcement certification pursuant
5 to section 262.13.

6 NEW PARAGRAPH. *j.* An emergency dispatcher for a county
7 sheriff.

8 Sec. 20. Section 20.13, Code 2021, is amended to read as
9 follows:

10 **20.13 Bargaining unit determination, amendment, and**
11 **reconsideration.**

12 1. ~~Board~~ The board's determination of an appropriate
13 bargaining unit shall be upon petition filed by a public
14 employer, public employee, or employee organization. Except
15 as provided in subsection 4, the board's amendment of the
16 composition of a represented bargaining unit shall be upon
17 petition filed by the employer or certified representative
18 of the bargaining unit. The board's reconsideration of the
19 composition of a previously determined bargaining unit which is
20 not represented by a certified representative shall be upon the
21 combined petition of an employee organization which also seeks
22 a representation election pursuant to section 20.14, subsection
23 2.

24 2. Within thirty days of receipt of a petition, the board
25 shall conduct a public hearing, receive written or oral
26 testimony, and promptly thereafter file an order defining
27 the appropriate bargaining unit, amending or refusing to
28 amend the composition of a represented bargaining unit or
29 reconsidering and altering or refusing to alter the composition
30 of an unrepresented bargaining unit. In defining the unit,
31 or determining whether a unit should be amended or altered
32 in response to a petition for amendment or reconsideration,
33 the board shall take into consideration, along with other
34 relevant factors, the principles of efficient administration
35 of government, the existence of a community of interest among

1 public employees, the history and extent of public employee
2 organization, geographical location, and the recommendations
3 of the parties involved.

4 ~~3. Appeals from such order shall be governed by the~~
5 ~~provisions of chapter 17A.~~

6 ~~4.~~ 3. Professional and nonprofessional employees shall not
7 be included in the same bargaining unit unless a majority of
8 both agree.

9 4. Notwithstanding the provisions of subsection 1, a
10 petition to amend the composition of a represented bargaining
11 unit by the removal of public safety employees may be filed
12 by a public safety employee who is a member of the bargaining
13 unit. If the petition is accompanied by evidence satisfactory
14 to the board that the public safety employees in the bargaining
15 unit do not constitute at least thirty percent of the employees
16 in the unit and that a majority of the public safety employees
17 in the unit support the petition, the board shall conduct
18 a hearing within thirty days of its finding such evidence
19 satisfactory and shall promptly thereafter issue an order
20 granting or denying the requested amendment. If the board
21 amends the composition of the bargaining unit by removing
22 public safety employees, those employees may immediately be the
23 subject of a separate bargaining unit determination petition
24 filed in accordance with subsection 1.

25 5. Appeals from such orders shall be governed by the
26 provisions of chapter 17A.

27 Sec. 21. Section 20.15, Code 2021, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **20.15 Elections.**

30 1. Upon the filing of a petition for certification of an
31 employee organization, the board shall submit a question to
32 the public employees at an election in the bargaining unit
33 found appropriate by the board. The question on the ballot
34 shall permit the public employees to vote for no bargaining
35 representation or for any employee organization which has

1 petitioned for certification or which has presented proof
2 satisfactory to the board of support of ten percent or more of
3 the public employees in the appropriate unit.

4 2. If a majority of the votes cast on the question is
5 for no bargaining representation, the public employees in
6 the bargaining unit found appropriate by the board shall not
7 be represented by an employee organization. If a majority
8 of the votes cast on the question is for a listed employee
9 organization, then that employee organization shall represent
10 the public employees in the bargaining unit found appropriate
11 by the board.

12 3. If none of the choices on the ballot receives the vote
13 of a majority of the public employees voting, the board shall
14 conduct a runoff election among the two choices receiving the
15 greatest number of votes.

16 4. Upon written objections filed by any party to the
17 election within ten days after notice of the results of
18 the election, if the board finds that misconduct or other
19 circumstances prevented the public employees eligible to
20 vote from freely expressing their preferences, the board may
21 invalidate the election and hold a second election for the
22 public employees.

23 5. Upon completion of a valid election in which the majority
24 choice of the employees voting is determined, the board shall
25 certify the results of the election and shall give reasonable
26 notice of the order to all employee organizations listed on the
27 ballot, the public employers, and the public employees in the
28 appropriate bargaining unit.

29 6. a. A petition for certification as exclusive bargaining
30 representative of a bargaining unit shall not be considered
31 by the board for a period of one year from the date of the
32 noncertification of an employee organization as the exclusive
33 bargaining representative of that bargaining unit following a
34 certification election. A petition for certification as the
35 exclusive bargaining representative of a bargaining unit shall

1 also not be considered by the board if the bargaining unit is
2 at that time represented by a certified exclusive bargaining
3 representative.

4 *b.* A petition for the decertification of the exclusive
5 bargaining representative of a bargaining unit shall not be
6 considered by the board for a period of one year from the date
7 of its certification, or within one year of its continued
8 certification following a decertification election, or during
9 the duration of a collective bargaining agreement which, for
10 purposes of this section, shall be deemed not to exceed two
11 years. However, if a petition for decertification is filed
12 during the duration of a collective bargaining agreement, the
13 board shall award an election under this section not more than
14 one hundred eighty days and not less than one hundred fifty
15 days prior to the expiration of the collective bargaining
16 agreement. If an employee organization is decertified, the
17 board may receive petitions under section 20.14, provided that
18 no such petition and no election conducted pursuant to such
19 petition within one year from decertification shall include as
20 a party the decertified employee organization.

21 7. A collective bargaining agreement with the state, its
22 boards, commissions, departments, and agencies shall be for two
23 years. The provisions of a collective bargaining agreement or
24 arbitrator's award affecting state employees shall not provide
25 for renegotiations which would require the refinancing of
26 salary and fringe benefits for the second year of the term of
27 the agreement, except as provided in section 20.17, subsection
28 6. The effective date of any such agreement shall be July 1 of
29 odd-numbered years, provided that if an exclusive bargaining
30 representative is certified on a date which will prevent the
31 negotiation of a collective bargaining agreement prior to
32 July 1 of odd-numbered years for a period of two years, the
33 certified collective bargaining representative may negotiate
34 a one-year contract with the public employer which shall be
35 effective from July 1 of the even-numbered year to July 1

1 of the succeeding odd-numbered year when new contracts shall
2 become effective.

3 Sec. 22. Section 22.7, subsections 69 and 70, Code 2021, are
4 amended to read as follows:

5 69. The evidence of public employee support for
6 the certification, ~~retention and recertification~~, or
7 decertification of an employee organization as defined in
8 section 20.3 that is submitted to the public employment
9 relations board as provided in [section 20.14](#) or [20.15](#).

10 70. Information indicating whether a public employee
11 voted in a certification, ~~retention and recertification~~, or
12 decertification election held pursuant to [section 20.15](#) or
13 how the employee voted on any question on a ballot in such an
14 election.

15 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code
16 2021, is amended to read as follows:

17 *b.* For purposes of [chapter 20](#), the certified representative,
18 which on July 1, 1983, represents employees who become judicial
19 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
20 remain the certified representative when the employees become
21 judicial branch employees and thereafter, unless the public
22 employee organization is ~~not retained and recertified or is~~
23 decertified in an election held under [section 20.15](#) or amended
24 or absorbed into another certified organization pursuant to
25 chapter 20. Collective bargaining negotiations shall be
26 conducted on a statewide basis and the certified employee
27 organizations which engage in bargaining shall negotiate on a
28 statewide basis, although bargaining units shall be organized
29 by judicial district. The public employment relations board
30 shall adopt rules pursuant to [chapter 17A](#) to implement this
31 subsection.

32 Sec. 24. Section 905.4, subsection 2, Code 2021, is amended
33 to read as follows:

34 2. Employ a director having the qualifications required by
35 section 905.6 to head the district department's community-based

1 correctional program and, within a range established by the
2 Iowa department of corrections, fix the compensation of and
3 have control over the director and the district department's
4 staff. For purposes of collective bargaining under chapter
5 20, employees of the district board who are not exempt from
6 chapter 20 are employees of the state, and the employees of all
7 of the district boards shall be included within one collective
8 bargaining unit. Furthermore, employees of the district board
9 shall be considered state employees for purposes of section
10 8A.415, subsection 2.

11 Sec. 25. DIRECTIVES TO PUBLIC EMPLOYMENT RELATIONS BOARD.

12 1. The public employment relations board shall cancel any
13 elections scheduled or in process pursuant to section 20.15,
14 subsection 2, Code 2021, as of the effective date of this
15 division of this Act.

16 2. Notwithstanding section 20.15, subsection 1, paragraph
17 "c", Code 2021, the public employment relations board
18 shall consider a petition for certification of an employee
19 organization as the exclusive representative of a bargaining
20 unit for which an employee organization was not retained and
21 recertified as the exclusive representative of that bargaining
22 unit regardless of the amount of time that has elapsed since
23 the retention and recertification election at which an employee
24 organization was not retained or recertified.

25 DIVISION VII

26 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

27 Sec. 26. NEW SECTION. 13.12 Law enforcement data collection
28 and reporting.

29 1. Every state and local law enforcement agency shall
30 collect and compile data on each traffic, bicycle, or
31 pedestrian stop conducted by its officers, and shall report the
32 data to the attorney general on or before July 1 of each year,
33 subject to subsection 3. All of the following information
34 shall be collected and compiled for each stop, including but
35 not limited to stops that involve questioning or a driver's

1 license or motor vehicle registration check but that do not
2 result in the issuance of a written citation or warning:
3 *a.* The time, date, location, and duration of the stop.
4 *b.* The reason for the stop.
5 *c.* Whether the officer performed a driver's license or motor
6 vehicle registration check.
7 *d.* Whether the officer issued a citation or an oral or
8 written warning.
9 *e.* The offense for which the individual was warned, cited,
10 or arrested, if applicable.
11 *f.* The race, ethnicity, sex, and approximate age of the
12 individual, and whether English is the individual's primary
13 language. The identification of these characteristics shall be
14 based primarily on information obtained from the individual's
15 driver's license or nonoperator's identification card and
16 secondarily on the observations and perceptions of the officer
17 performing the stop. The officer shall not be required to
18 inquire about the individual's race or ethnicity, or whether
19 English is the individual's primary language, and shall rely
20 principally on such information encrypted on the individual's
21 driver's license or nonoperator's identification card pursuant
22 to section 321.189 or 321.190. The identifying characteristics
23 of any passenger in the motor vehicle shall also be reported
24 if the stop involved the passenger and the officer performed a
25 search.
26 *g.* Whether the officer asked for consent to search the
27 individual or vehicle and whether the individual consented to
28 the search; whether the officer searched the individual, the
29 vehicle, or any property, and the basis for the search; and
30 whether the officer seized any property, a description of the
31 property seized, and the basis for seizing the property.
32 *h.* Whether the officer used physical force against the
33 individual and whether the individual used physical force
34 against the officer.
35 *i.* Any other information which the officer or law

1 enforcement agency considers appropriate.

2 2. The attorney general shall develop a standardized form to
3 be used by law enforcement agencies in collecting, compiling,
4 and reporting the information pursuant to subsection 1.

5 3. *a.* Every state law enforcement agency, every local law
6 enforcement agency with jurisdiction over a county, and every
7 local law enforcement agency with jurisdiction over a city with
8 a population of four thousand five hundred or more shall submit
9 its first report to the attorney general on or before July 1,
10 2021.

11 *b.* Every local law enforcement agency with jurisdiction over
12 a city with a population of at least two thousand five hundred
13 but less than four thousand five hundred shall submit its first
14 report to the attorney general on or before July 1, 2022.

15 *c.* Every local law enforcement agency with jurisdiction over
16 a city with a population of less than two thousand five hundred
17 shall submit its first report to the attorney general on or
18 before July 1, 2023.

19 4. *a.* Except as otherwise provided by law, a law
20 enforcement agency shall not grant access to any personal
21 identifying information contained in the data collected by
22 the agency to any person except a federal, state, local, or
23 tribal government employee or agent who requires access to such
24 information in order to collect, compile, and report the data
25 in accordance with this section.

26 *b.* A law enforcement agency may permit a contractor
27 or nongovernmental entity to access personal identifying
28 information contained in the data if the contractor or
29 nongovernmental entity signs an agreement with the agency
30 which prohibits further disclosure of the personal identifying
31 information by the contractor or nongovernmental entity, and
32 if the contractor or nongovernmental entity is required by the
33 agreement to maintain adequate security measures to prevent
34 unauthorized access to the personal identifying information.

35 5. On or before December 15, 2021, and each year thereafter,

1 the attorney general shall publish a report on the attorney
2 general's internet site containing the compiled data and
3 reports received by the attorney general pursuant to this
4 section for the period ending July 1 of the calendar year in
5 which the report is published. The report shall not contain
6 any unique personal identifying information of any peace
7 officer or other person involved in a particular incident,
8 including but not limited to names and badge numbers.

9 Sec. 27. Section 321.189, subsection 2, paragraph a, Code
10 2021, is amended to read as follows:

11 a. Appearing on the driver's license shall be a
12 distinguishing number assigned to the licensee; the licensee's
13 full name, date of birth, sex, and residence address; a
14 color photograph; a physical description of the licensee;
15 the name of the state; the dates of issuance and expiration;
16 and the usual signature of the licensee. The license shall
17 identify the class of vehicle the licensee may operate and the
18 applicable endorsements and restrictions which the department
19 shall require by rule. The licensee's race and ethnicity, and
20 whether English is the licensee's primary language, shall be
21 encrypted on the back of the license.

22 Sec. 28. Section 321.190, subsection 1, paragraph a, Code
23 2021, is amended to read as follows:

24 a. The department shall, upon application and payment
25 of the required fee, issue to an applicant a nonoperator's
26 identification card. To be valid the card shall bear a
27 distinguishing number other than a social security number
28 assigned to the cardholder, the full name, date of birth,
29 sex, residence address, a physical description and a color
30 photograph of the cardholder, the usual signature of the
31 cardholder, and such other information as the department may
32 require by rule. The card shall also contain the cardholder's
33 race and ethnicity, and whether English is the cardholder's
34 primary language, encrypted on the back of the card. An
35 applicant for a nonoperator's identification card shall

1 apply for the card in the manner provided in section 321.182,
2 subsections 1 through 3. The card shall be issued to the
3 applicant at the time of application pursuant to procedures
4 established by rule. An applicant for a nonoperator's
5 identification card who is required by 50 U.S.C. app. §451
6 et seq. to register with the United States selective service
7 system shall be registered by the department with the selective
8 service system as provided in [section 321.183](#).

9 DIVISION VIII

10 CRITICAL INCIDENTS

11 Sec. 29. NEW SECTION. 80J.1 Peace officer-involved
12 shootings and peace officer-involved critical incidents —
13 investigations.

14 1. As used in this section:

15 a. "*Division*" means the division of criminal investigation
16 of the department of public safety.

17 b. "*Peace officer*" means the same as defined in section
18 97A.1.

19 c. "*Peace officer-involved critical incident*" means any of
20 the following in the peace officer's official capacity as a
21 peace officer:

22 (1) The use of a dangerous weapon by a peace officer against
23 any person that causes serious bodily injury or fatal injury
24 to any person.

25 (2) The use of a motor vehicle by a peace officer that
26 causes a physical injury to any person, including a fatal
27 injury.

28 (3) The death of a person who is in law enforcement custody,
29 not including a death that is the result of disease, natural
30 causes, or conditions that had been medically diagnosed prior
31 to the person's death.

32 d. "*Peace officer-involved shooting*" means the discharge
33 of a firearm by a peace officer that results in a physical
34 injury, serious bodily injury, or death of a person, including
35 an accidental discharge of a firearm.

1 *e. "Serious bodily injury"* means bodily injury which
2 involves a substantial risk of death, unconsciousness, extreme
3 physical pain, protracted and obvious disfigurement, or
4 protracted loss or impairment of the function of a bodily
5 member, organ, or mental faculty.

6 2. A peace officer involved in a peace officer-involved
7 shooting or a peace officer-involved critical incident
8 shall have the right to have legal counsel present, at the
9 peace officer's expense, during any investigation, including
10 an interview, interrogation, meetings, or any criminal
11 administrative proceedings rising out of the incident. The
12 peace officer shall be allowed a reasonable opportunity
13 to obtain legal counsel in advance of any interview,
14 interrogation, or proceeding.

15 3. The peace officer involved in the incident shall be
16 issued, upon request, at no charge, a certified copy of any
17 video or audio recordings related to the incident to use in the
18 peace officer's defense, including body camera video, radio
19 traffic recordings, and any statements by the peace officer.
20 The records shall be provided at least forty-eight hours prior
21 to an interview, interrogation, or grand jury proceeding. The
22 peace officer or legal counsel for the peace officer shall
23 not release any confidential video or audio recordings to
24 the public without the written consent of the lawful records
25 custodian or a court order authorizing the release.

26 4. The name of the peace officer shall be kept confidential
27 until the peace officer has been interviewed or interrogated
28 as part of the criminal investigation, or until the peace
29 officer declines a voluntary interview. Personal information,
30 including a peace officer's home address, personal contact
31 information, and date of birth shall be kept confidential.

32 5. The law enforcement agency employing a peace officer
33 involved in a peace officer-involved shooting or a peace
34 officer-involved critical incident shall promptly offer
35 confidential peer support and confidential counseling to the

1 peace officer at no charge to the peace officer.

2 DIVISION IX

3 JUSTICE AND COMMUNITY POLICING ADVISORY BOARD

4 Sec. 30. Section 216A.3, subsection 2, paragraph a, Code
5 2021, is amended to read as follows:

6 a. The voting members shall consist of nine voting members
7 selected by each of the permanent commissions within the
8 department, and two voting members, appointed by the governor.
9 For purposes of this paragraph "a", "*permanent commissions*"
10 means the commission of Latino affairs, commission on the
11 status of women, commission of persons with disabilities,
12 commission on community action agencies, commission of deaf
13 services, justice and community policing advisory board,
14 commission on the status of African Americans, commission of
15 Asian and Pacific Islander affairs, and commission of Native
16 American affairs. The term of office for voting members is
17 four years.

18 Sec. 31. Section 216A.131, subsection 2, Code 2021, is
19 amended to read as follows:

20 2. "*Board*" means the justice and community policing advisory
21 board.

22 Sec. 32. Section 216A.132, subsection 1, Code 2021, is
23 amended by striking the subsection and inserting in lieu
24 thereof the following:

25 1. A justice and community policing advisory board is
26 established consisting of thirty-two members who shall all
27 reside in the state.

28 a. The governor shall appoint thirteen voting members
29 each for a four-year term beginning and ending as provided in
30 section 69.19 and subject to confirmation by the senate as
31 follows:

32 (1) A sheriff who is a member of the Iowa state sheriffs'
33 and deputies' association.

34 (2) A chief of police who is a member of the Iowa police
35 chiefs association.

- 1 (3) A peace officer who is a member of the Iowa peace
2 officers association.
- 3 (4) A peace officer who is a member of the fraternal order
4 of police.
- 5 (5) A peace officer who is a member of the Iowa state police
6 association.
- 7 (6) A representative from the Iowa-Nebraska national
8 association for the advancement of colored people.
- 9 (7) A representative from the American civil liberties
10 union of Iowa.
- 11 (8) A representative from the Iowa coalition for collective
12 change.
- 13 (9) One person who was formerly under juvenile court or
14 correctional supervision.
- 15 (10) A representative from the office of the state public
16 defender.
- 17 (11) A representative from the Iowa county attorneys
18 association.
- 19 (12) Two persons representing the general public who are
20 not employed in any law enforcement, judicial, or corrections
21 capacity, including one person who is older than fifteen years
22 of age but less than twenty-five years of age.
- 23 *b.* The following shall serve on the board as ex officio,
24 nonvoting members:
- 25 (1) The chairperson of the commission on the status of
26 African Americans or its designee.
- 27 (2) The chairperson of the commission of Latino affairs or
28 its designee.
- 29 (3) The chairperson of the commission of Asian and Pacific
30 Islander affairs or its designee.
- 31 (4) The chairperson of the commission of Native American
32 affairs or its designee.
- 33 (5) The director of the department of human services or its
34 designee.
- 35 (6) The director of the department of public health or its

1 designee.

2 (7) The commissioner of the department of public safety or
3 its designee.

4 (8) The director of the Iowa law enforcement academy or its
5 designee.

6 (9) The director of the department of corrections or its
7 designee.

8 (10) The chairperson of the board of parole or its designee.

9 (11) The attorney general or its designee.

10 (12) The director of the governor's office of drug control
11 policy or its designee.

12 (13) One member representing the judicial district
13 departments of correctional services designated by a majority
14 of the directors of the judicial district departments of
15 correctional services.

16 (14) The chief justice of the supreme court shall designate
17 the following:

18 (a) One member who is a district judge.

19 (b) One member who is either a district associate judge or
20 associate juvenile judge.

21 (15) The chairperson and ranking member of the senate
22 committee on judiciary shall be ex officio, nonvoting members.
23 In alternating two-year terms, beginning and ending as provided
24 in section 69.16B, the chairperson and ranking member of the
25 house committee on judiciary or of the house committee on
26 public safety shall be ex officio, nonvoting members, with the
27 chairperson and ranking member of the house committee on public
28 safety serving during the term beginning in January 2022.

29 Sec. 33. Section 216A.133, subsection 3, paragraph o, Code
30 2021, is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (9) Potential disparity in law
32 enforcement activities and the delivery of law enforcement
33 services.

34 Sec. 34. Section 216A.133, subsection 3, Code 2021, is
35 amended by adding the following new paragraphs:

1 NEW PARAGRAPH. *s.* Studying and making recommendations for
2 eliminating disparity in law enforcement activities and the
3 delivery of law enforcement services.

4 NEW PARAGRAPH. *t.* Recommending to the department the
5 adoption of rules pursuant to chapter 17A as it deems necessary
6 for the collection, compilation, and reporting of stop data
7 pursuant to section 80I.4.

8 Sec. 35. Section 216A.135, subsection 2, Code 2021, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. *g.* An assessment and analysis of the
11 collection, compilation, and reporting of stop data compiled by
12 law enforcement agencies, including an analysis of disparate
13 treatment based on personal demographics across geographic
14 areas of the state, the past and current status of racial
15 profiling across the state, and the impact on law enforcement
16 stop, search, and seizure tactics.>

17 2. Title page, by striking lines 1 through 6 and inserting
18 <An Act relating to public records including confidentiality,
19 access, data collection, the enforcement of public records
20 violations, and uniform commercial code filings; certain
21 employment matters including benefits, workers' compensation,
22 civil actions, and public employment; and law enforcement
23 including critical incidents and racial profiling.>>

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