

Senate File 342

H-1396

1 Amend Senate File 342, as passed by the Senate, as follows:

2 1. Title page, by striking the enacting clause and inserting
3 the following:

4 <BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:>

5 2. Page 1, by inserting:

6 <DIVISION I

7 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

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

10 **9E.1 Purpose.**

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

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

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

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

35 (2) ~~An adult, a minor, or an incapacitated person as defined~~

1 ~~in section 633.701.~~

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

8 (2) A currently active or retired judicial officer or
9 a spouse or child of such a person. For purposes of this
10 subparagraph, "judicial officer" means the same as defined in
11 section 602.1101 and includes a federal judge.

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

15 (4) A currently active or retired peace officer, as defined
16 in section 801.4, or a spouse or child of such a person.

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

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

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

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

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

31 NEW SUBSECTION. 4A. Upon request by a program participant,
32 the assessor or the assessor's staff shall redact the
33 requestor's name contained in electronic documents that
34 are displayed for public access through an internet site.
35 The assessor shall implement and maintain a process to

1 facilitate these requests. A fee shall not be charged for the
2 administration of this subsection.

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

5 (2) Had good reason to believe and in good faith believed
6 facts which, if true, would have indicated compliance with
7 the requirements of this chapter. For purposes of this
8 subparagraph, "good reason to believe and in good faith believed"
9 means the person engaged in a balancing test in weighing the
10 individual privacy interest against the public's need to access
11 the record based upon a reasonable reliance on the facts.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 11. NEW SECTION. 714.29 Records filed with intent to
18 harass or defraud.

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

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

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

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

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

32 DIVISION III

33 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

34 Sec. 12. NEW SECTION. 70A.23A Credit for accrued sick leave
35 — public safety employees.

1 A public safety employee, as defined by section 20.3,
2 subsection 11, who retires and has applied for retirement
3 benefits under an eligible retirement system, shall receive
4 credit for all accumulated, unused sick leave which shall be
5 converted at current value and credited to an account for the
6 public safety employee for the purpose of paying the public
7 safety employee's cost of the monthly premiums for continuance
8 of the public safety employee's health insurance plan. Upon
9 the death of a retired public safety employee, the spouse
10 or surviving spouse shall be entitled to the value of the
11 accumulated unused sick leave for the purpose of paying the
12 cost of monthly premiums for continuation of a public safety
13 employee's health insurance policy for the public safety
14 employee's surviving spouse or dependents. This section shall
15 not apply to sections 509A.13 and 509A.13A.

16 DIVISION IV

17 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

18 Sec. 13. Section 85.26, subsection 1, Code 2021, is amended
19 to read as follows:

20 1. An original proceeding for benefits under [this chapter](#)
21 or [chapter 85A](#), [85B](#), or [86](#), shall not be maintained in any
22 contested case unless the proceeding is commenced within two
23 years from the date of the occurrence of the injury for which
24 benefits are claimed or one year from the date a denial of
25 liability is received by the employee, whichever is later,
26 or, if weekly compensation benefits are paid under section
27 86.13, within three years from the date of the last payment
28 of weekly compensation benefits. For the purposes of this
29 section, "*date of the occurrence of the injury*" means the date
30 that the employee knew or should have known that the injury was
31 work-related.

32 Sec. 14. Section 97A.6, subsection 11, Code 2021, is amended
33 to read as follows:

34 11. *Pensions offset by compensation benefits.*

35 a. Any amounts which may be paid or payable by the state

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

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

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

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

28 5. *Offset to allowance.*

29 a. Notwithstanding any provisions to the contrary in state
30 law, or any applicable contract or policy, any amounts which
31 may be paid or payable by the employer under any workers'
32 compensation, unemployment compensation, employer-paid
33 disability plan, program, or policy, or other law to a member,
34 and any disability payments the member receives pursuant to
35 the federal Social Security Act, 42 U.S.C. §423 et seq.,

1 shall be offset against and payable in lieu of any retirement
2 allowance payable pursuant to [this section](#) on account of the
3 same disability.

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

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

15 DIVISION V

16 CIVIL SERVICE COMMISSION EXAMINATIONS

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

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

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

32 2. The commission shall establish guidelines for conducting
33 the examinations under [subsection 1](#). ~~It may prepare and~~
34 ~~administer the examinations or may~~ The commission shall hire
35 persons with expertise to ~~do so if the commission approves~~

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

13 DIVISION VI

14 COLLECTIVE BARGAINING

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

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

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

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

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

35 NEW PARAGRAPH. *i.* A peace officer employed by an

1 institution under the control of the state board of regents
2 whose position requires law enforcement certification pursuant
3 to section 262.13.

4 NEW PARAGRAPH. *j.* An emergency dispatcher for a county
5 sheriff.

6 Sec. 20. Section 20.13, Code 2021, is amended to read as
7 follows:

8 **20.13 Bargaining unit determination, amendment, and**
9 **reconsideration.**

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

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

1 of the parties involved.

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

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

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

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

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

27 **20.15 Elections.**

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

1 the public employees in the appropriate unit.

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

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

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

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

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

1 representative.

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

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

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

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

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

13 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code
14 2021, is amended to read as follows:

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

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

32 2. Employ a director having the qualifications required by
33 section 905.6 to head the district department's community-based
34 correctional program and, within a range established by the
35 Iowa department of corrections, fix the compensation of and

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

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

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

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

23 DIVISION VII

24 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

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

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

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

1 be used by law enforcement agencies in collecting, compiling,
2 and reporting the information pursuant to subsection 1.

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

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

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

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

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

33 5. On or before December 15, 2021, and each year thereafter,
34 the attorney general shall publish a report on the attorney
35 general's internet site containing the compiled data and

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

7 Sec. 27. Section 321.189, subsection 2, paragraph a, Code
8 2021, is amended to read as follows:

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

20 Sec. 28. Section 321.190, subsection 1, paragraph a, Code
21 2021, is amended to read as follows:

22 a. The department shall, upon application and payment
23 of the required fee, issue to an applicant a nonoperator's
24 identification card. To be valid the card shall bear a
25 distinguishing number other than a social security number
26 assigned to the cardholder, the full name, date of birth,
27 sex, residence address, a physical description and a color
28 photograph of the cardholder, the usual signature of the
29 cardholder, and such other information as the department may
30 require by rule. The card shall also contain the cardholder's
31 race and ethnicity, and whether English is the cardholder's
32 primary language, encrypted on the back of the card. An
33 applicant for a nonoperator's identification card shall
34 apply for the card in the manner provided in section 321.182,
35 subsections 1 through 3. The card shall be issued to the

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

7 DIVISION VIII

8 CRITICAL INCIDENTS

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

12 1. As used in this section:

13 *a. "Division"* means the division of criminal investigation
14 of the department of public safety.

15 *b. "Peace officer"* means the same as defined in section
16 97A.1.

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

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

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

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

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

34 *e. "Serious bodily injury"* means bodily injury which
35 involves a substantial risk of death, unconsciousness, extreme

1 physical pain, protracted and obvious disfigurement, or
2 protracted loss or impairment of the function of a bodily
3 member, organ, or mental faculty.

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

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

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

30 5. The law enforcement agency employing a peace officer
31 involved in a peace officer-involved shooting or a peace
32 officer-involved critical incident shall promptly offer
33 confidential peer support and confidential counseling to the
34 peace officer at no charge to the peace officer.

35

DIVISION IX

1 JUSTICE AND COMMUNITY POLICING ADVISORY BOARD

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

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

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

18 2. "*Board*" means the justice and community policing advisory
19 board.

20 Sec. 32. Section 216A.132, subsection 1, Code 2021, is
21 amended to read as follows:

22 1. A justice and community policing advisory board is
23 established consisting of ~~twenty-eight~~ thirty-five members who
24 shall all reside in the state.

25 a. The governor shall appoint ~~nine~~ sixteen voting members
26 each for a four-year term beginning and ending as provided in
27 section 69.19 and subject to confirmation by the senate as
28 follows:

29 (1) Three persons, each of whom is a county supervisor,
30 county sheriff, mayor, nonsupervisory police officer, or a
31 chief of police of a department with fewer than eleven police
32 officers.

33 (2) Two persons who are knowledgeable about Iowa's juvenile
34 justice system.

35 (3) One person representing the general public, who is

1 not employed in any law enforcement, judicial, or corrections
2 capacity.

3 (4) One person who is either a crime victim, or who
4 represents a crime victim organization.

5 (5) One person who represents a recognized civil rights
6 organization that advocates for minorities.

7 (6) One person who was formerly under juvenile court
8 or correctional supervision, or a representative of an
9 organization that advocates for individuals who have been under
10 juvenile court or correctional supervision.

11 (7) One person who is a peace officer who is a member of the
12 Iowa peace officers association.

13 (8) One person who is a peace officer who is a member of the
14 fraternal order of police.

15 (9) One person who is a peace officer who is a member of the
16 Iowa state police association.

17 (10) One person who represents the Iowa-Nebraska national
18 association for the advancement of colored people.

19 (11) One person who represents the Iowa coalition for
20 collective change.

21 (12) Two persons representing the general public who are
22 not employed in any law enforcement, judicial, or corrections
23 capacity, including one person who is older than fifteen years
24 of age but less than twenty-five years of age.

25 *b.* Additional voting members of the board, each serving a
26 four-year term, shall include one representative from each of
27 the following:

28 (1) The Iowa coalition against sexual assault.

29 (2) The American civil liberties union of Iowa.

30 (3) The Iowa county attorneys association.

31 (4) The department of human services.

32 (5) The department of corrections.

33 (6) A judicial district department of correctional
34 services.

35 (7) The department of public safety.

- 1 (8) The office on the status of African Americans.
2 (9) The department of public health.
3 (10) The board of parole.
4 (11) The department of justice.
5 (12) The state public defender.
6 (13) The governor's office of drug control policy.
7 (14) The commission on the status of African Americans.
8 (15) The commission of Latino affairs.
9 (16) The commission of Asian and Pacific Islander affairs.
10 (17) The commission of Native American affairs.
11 (18) The Iowa law enforcement academy.
12 (19) The office of the attorney general.

13 c. The chief justice of the supreme court shall designate
14 one member who is a district judge and one member who is either
15 a district associate judge or associate juvenile judge. The
16 members appointed pursuant to this paragraph shall serve as ex
17 officio, nonvoting members for four-year terms beginning and
18 ending as provided in [section 69.19](#), unless the member ceases
19 to serve as a judge.

20 d. The chairperson and ranking member of the senate
21 committee on judiciary shall be ex officio, nonvoting members.
22 In alternating two-year terms, beginning and ending as provided
23 in [section 69.16B](#), the chairperson and ranking member of the
24 house committee on judiciary or of the house committee on
25 public safety shall be ex officio, nonvoting members, with the
26 chairperson and ranking member of the house committee on public
27 safety serving during the term beginning in January 2020.

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

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

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

35 NEW PARAGRAPH. s. Studying and making recommendations for

1 eliminating disparity in law enforcement activities and the
2 delivery of law enforcement services.

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

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

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

16 3. Title page, by striking line 1 and inserting <An Act
17 relating to public records including confidentiality, access,
18 data collection, the enforcement of public records violations;
19 uniform commercial code filings; certain employment matters
20 including benefits, workers' compensation, civil service
21 commission examinations, and public employment relations;
22 and law enforcement including critical incidents, and data
23 collection and reporting and racial profiling; and the
24 establishment of the justice and community policing advisory
25 board; and providing penalties.>

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