

Senate amendment to
House amendment to
Senate File 342

H-1497

1 Amend the House amendment, S-3158, to Senate File 342, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 33, line 1, and
4 inserting:

5 <Amend Senate File 342 as follows:

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

8

<DIVISION I

9 PUBLIC RECORDS — COMMUNICATIONS IN PROFESSIONAL CONFIDENCE

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

12 **9E.1 Purpose.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 a. A peer support group counselor or individual present
11 for a group crisis intervention who obtains information from
12 an officer or a civilian employee of a law enforcement agency
13 or fire department by reason of the counselor's capacity as a
14 peer support group counselor or an individual's presence for
15 a group crisis intervention shall not be allowed, in giving
16 testimony, to disclose any confidential communication properly
17 entrusted to the counselor or individual present for a group
18 crisis intervention by the officer or civilian employee while
19 receiving counseling or group crisis intervention.

20 b. The prohibition in this subsection does not apply
21 where the officer or civilian employee has consented to the
22 disclosure of the information specified in paragraph "a" or
23 where the peer support group counselor or individual present
24 for a group crisis intervention was an initial responding
25 officer, a witness, or a party to the incident which prompted
26 the delivery of peer support group counseling services or the
27 group crisis intervention to the officer or civilian employee.

28 DIVISION II

29 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

30 Sec. 9. Section 554.9510, subsection 1, Code 2021, is
31 amended to read as follows:

32 1. *Filed record effective if authorized.* A filed record
33 is effective only to the extent that it was filed by a person
34 that may file it under section 554.9509 or by the filing office
35 under section 554.9513A.

1 Sec. 10. NEW SECTION. 554.9513A Termination of wrongfully
2 filed financing statement — reinstatement.

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

5 a. Regularly causes records to be communicated to the
6 filing office for filing and has provided the filing office
7 with current contact information and information sufficient to
8 establish the person’s identity.

9 b. Satisfies either of the following conditions:

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

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

15 2. *Affidavit of wrongful filing.* A person identified as
16 debtor in a filed financing statement may deliver to the
17 filing office a notarized, sworn affidavit that identifies the
18 financing statement by file number, indicates the affiant’s
19 mailing address, and states that the affiant believes that
20 the filed record identifying the affiant as debtor was not
21 authorized to be filed and was caused to be communicated to the
22 filing office with the intent to harass or defraud the affiant.
23 The filing office may reject an affidavit that is incomplete or
24 that it believes was delivered to it with the intent to harass
25 or defraud the secured party. The office of the secretary
26 of state shall adopt a form of affidavit for use under this
27 section.

28 3. *Termination statement by filing office.* Subject to
29 subsection 11, if an affidavit is delivered to the filing
30 office under subsection 2, the filing office shall promptly
31 file a termination statement with respect to the financing
32 statement identified in the affidavit. The termination
33 statement must identify by its file number the initial
34 financing statement to which it relates and must indicate that
35 it was filed pursuant to this section. A termination statement

1 filed under this subsection is not effective until ninety days
2 after it is filed.

3 4. *No fee charged or refunded.* The filing office shall not
4 charge a fee for the filing of an affidavit under subsection
5 2 or a termination statement under subsection 3. The filing
6 office shall not return any fee paid for filing the financing
7 statement identified in the affidavit, whether or not the
8 financing statement is reinstated under subsection 7.

9 5. *Notice of termination statement.* On the same day that a
10 filing office files a termination statement under subsection
11 3, the filing office shall send to the secured party of record
12 for the financing statement to which the termination statement
13 relates a notice stating that the termination statement
14 has been filed and will become effective ninety days after
15 filing. The notice shall be sent by certified mail, return
16 receipt requested, to the address provided for the secured
17 party of record in the financing statement with a copy sent by
18 electronic mail to the electronic mail address provided by the
19 secured party of record, if any.

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

26 a. Before the termination statement takes effect, request
27 that the filing office conduct an expedited review of the
28 filed record and any documentation provided by the secured
29 party. The filing office may as a result of this review remove
30 from the record the termination statement filed by it under
31 subsection 3 before the termination statement takes effect and
32 conduct an administrative review under subsection 11.

33 b. File an action against the filing office seeking
34 reinstatement of the financing statement to which the filed
35 record relates at any time before the expiration of six months

1 after the date on which the termination statement filed under
2 subsection 3 becomes effective. If the affiant is not named as
3 a defendant in the action, the secured party shall send a copy
4 of the petition to the affiant at the address indicated in the
5 affidavit. The exclusive venue for the action shall be in the
6 district court for the county where the filing office in which
7 the financing statement was filed is located. The action shall
8 be considered by the court on an expedited basis.

9 7. *Filing office to file notice of action for*
10 *reinstatement.* Within ten days after being served with process
11 in an action under subsection 6, the filing office shall file
12 a notice indicating that the action has been commenced. The
13 notice must indicate the file number of the initial financing
14 statement to which the notice relates.

15 8. *Action for reinstatement successful.* If, in an action
16 under subsection 6, the court determines that the financing
17 statement was authorized to be filed and was not caused to be
18 communicated to the filing office with the intent to harass or
19 defraud the affiant, the court shall order that the financing
20 statement be reinstated. If an order of reinstatement is
21 issued by the court, the filing office shall promptly file a
22 record that identifies by its file number the initial financing
23 statement to which the record relates and indicates that the
24 financing statement has been reinstated.

25 9. *Effect of reinstatement.* Upon the filing of a record
26 reinstating a financing statement under subsection 8, the
27 effectiveness of the financing statement is reinstated and the
28 financing statement shall be considered never to have been
29 terminated under this section except as against a purchaser of
30 the collateral that gives value in reasonable reliance upon
31 the termination. A continuation statement filed as provided
32 in section 554.9515, subsection 4, after the effective date of
33 a termination statement filed under subsection 3 or 11 becomes
34 effective if the financing statement is reinstated.

35 10. *Liability for wrongful filing.* If, in an action under

1 subsection 6, the court determines that the filed record
2 identified in an affidavit delivered to the filing office under
3 subsection 2 was caused to be communicated to the filing office
4 with the intent to harass or defraud the affiant, the filing
5 office and the affiant may recover from the secured party that
6 filed the action the costs and expenses, including reasonable
7 attorney fees and the reasonable allocated costs of internal
8 counsel, that the filing office and the affiant incurred in the
9 action. This recovery is in addition to any recovery to which
10 the affiant is entitled under section 554.9625.

11 11. *Procedure for record filed by trusted filer.* If an
12 affidavit delivered to a filing office under subsection 2
13 relates to a filed record communicated to the filing office by
14 a trusted filer, the filing office shall promptly send to the
15 secured party of record a notice stating that the affidavit has
16 been delivered to the filing office and that the filing office
17 is conducting an administrative review to determine whether the
18 record was caused to be communicated with the intent to harass
19 or defraud the affiant. The notice shall be sent by certified
20 mail, return receipt requested, to the address provided for
21 the secured party in the financing statement with a copy sent
22 by electronic mail to the electronic mail address provided
23 by the secured party of record, if any, and a copy shall be
24 sent in the same manner to the affiant. The administrative
25 review shall be conducted on an expedited basis and the filing
26 office may require the affiant and the secured party of record
27 to provide any additional information that the filing office
28 deems appropriate. If the filing office concludes that the
29 record was caused to be communicated with the intent to harass
30 or defraud the affiant, the filing office shall promptly file a
31 termination statement under subsection 2 that will be effective
32 immediately and send to the secured party of record the notice
33 required by subsection 5. The secured party may thereafter
34 file an action for reinstatement under subsection 6 and the
35 provisions of subsections 7 through 10 are applicable.

1 Sec. 11. NEW SECTION. 714.29 Records filed with intent to
2 harass or defraud.

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

6 *a.* The person is not authorized to file the record under
7 section 554.9509.

8 *b.* The record is not related to an existing or anticipated
9 transaction that is or will be governed by chapter 554, article
10 9.

11 *c.* The record is filed with the intent to harass or defraud
12 the person identified as debtor in the record.

13 2. A person that violates subsection 1 is guilty of a simple
14 misdemeanor for a first offense and a serious misdemeanor for a
15 second or subsequent offense.

16 DIVISION III

17 QUALIFIED IMMUNITY

18 Sec. 12. NEW SECTION. 669.14A Qualified immunity.

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

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

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

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

1 subsection 1.

2 3. A plaintiff who brings a claim under this chapter
3 alleging a violation of the law must state with particularity
4 the circumstances constituting the violation and that the law
5 was clearly established at the time of the alleged violation.
6 Failure to plead a plausible violation or failure to plead that
7 the law was clearly established at the time of the alleged
8 violation shall result in dismissal with prejudice.

9 4. Any decision by the district court denying qualified
10 immunity shall be immediately appealable.

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

13 Sec. 13. NEW SECTION. **669.26 Money damages — nonwaiver**
14 **of rights.**

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

18 Sec. 14. NEW SECTION. **670.4A Qualified immunity.**

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

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

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

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

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

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

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

12 Sec. 15. NEW SECTION. **670.14 Money damages — nonwaiver**
13 **of rights.**

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

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

19 **DIVISION IV**

20 **PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF**
21 **RIGHTS**

22 Sec. 17. Section 80F.1, subsection 1, paragraph a, Code
23 2021, is amended to read as follows:

24 a. "*Complaint*" means a formal written allegation signed
25 by the complainant or a signed written statement by an
26 officer receiving an oral complaint stating the complainant's
27 allegation.

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

30 3. A formal administrative investigation of an officer
31 shall be commenced and completed in a reasonable period of time
32 ~~and an.~~ An officer shall be immediately notified in writing
33 of the results of the investigation when the investigation is
34 completed.

35 5. An officer who is the subject of a complaint, shall at a

1 minimum, be provided a written summary of the complaint prior
2 to an interview. If a collective bargaining agreement applies,
3 the complaint or written summary shall be provided pursuant
4 to the procedures established under the collective bargaining
5 agreement. If the complaint alleges domestic abuse, sexual
6 abuse, workplace harassment, or sexual harassment, an officer
7 shall not receive more than a written summary of the complaint.

8 8. a. The officer shall have the right to have the
9 assistance of legal counsel present, at the officer's expense,
10 during the interview of the officer and during hearings or
11 other disciplinary or administrative proceedings relating
12 to the complaint. In addition, the officer shall have the
13 right, at the officer's expense, to have a union representative
14 present during the interview or, if not a member of a union,
15 the officer shall have the right to have a designee present.

16 b. The officer's legal counsel, union representative, or
17 employee representative shall not be compelled to disclose in
18 any judicial proceeding, nor be subject to any investigation
19 or punitive action for refusing to disclose, any information
20 received from an officer under investigation or from an
21 agent of the officer, so long as the officer or agent of the
22 officer is an uninvolved party and not considered a witness
23 to any incident. The officer's legal counsel may coordinate
24 and communicate in confidence with the officer's designated
25 union representative or employee representative, and such
26 communications are not subject to discovery in any proceeding.

27 9. If a formal administrative investigation results in
28 the removal, discharge, or suspension, or other disciplinary
29 action against an officer, copies of any witness statements
30 and the complete investigative agency's report shall be timely
31 provided to the officer upon the request of the officer or the
32 officer's legal counsel upon request at the completion of the
33 investigation.

34 13. An officer shall have the right to ~~pursue civil remedies~~
35 ~~under the law~~ bring a cause of action against a ~~citizen~~ any

1 person, group of persons, organization, or corporation for
2 damages arising from the filing of a false complaint against
3 the officer or any other violation of this chapter including
4 but not limited to actual damages, court costs, and reasonable
5 attorney fees.

6 18. A municipality, county, or state agency employing
7 an officer shall not publicly release the officer's official
8 photograph without the written permission of the officer or
9 without a request to release pursuant to [chapter 22](#). An
10 officer's personal information including but not limited to the
11 officer's home address, personal telephone number, personal
12 electronic mail address, date of birth, social security number,
13 and driver's license number shall be confidential and shall be
14 redacted from any record prior to the record's release to the
15 public by the employing agency. Nothing in this subsection
16 prohibits the release of an officer's photograph or unredacted
17 personal information to the officer's legal counsel, union
18 representative, or designated employee representative upon the
19 officer's request.

20 Sec. 19. Section 80F.1, Code 2021, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 20. The employing agency shall keep
23 an officer's statement, recordings, or transcripts of any
24 interviews or disciplinary proceedings, and any complaints
25 made against an officer confidential unless otherwise provided
26 by law or with the officer's written consent. Nothing in
27 this section prohibits the release of an officer's statement,
28 recordings, or transcripts of any interviews or disciplinary
29 proceedings, and any complaints made against an officer to
30 the officer or the officer's legal counsel upon the officer's
31 request.

32 NEW SUBSECTION. 21. An agency employing full-time or
33 part-time officers shall provide training to any officer or
34 supervisor who performs or supervises an investigation under
35 this section, and shall maintain documentation of any training

1 related to this section. The Iowa law enforcement academy
2 shall adopt minimum training standards not inconsistent with
3 this subsection, including training standards concerning
4 interviewing an officer subject to a complaint.

5 NEW SUBSECTION. 22. Upon written request, the employing
6 agency shall provide to the requesting officer or the officer's
7 legal counsel a copy of the officer's personnel file and
8 training records regardless of whether the officer is subject
9 to a formal administrative investigation at the time of the
10 request.

11 DIVISION V

12 OFFICER DISCIPLINARY ACTIONS

13 Sec. 20. Section 80F.1, Code 2021, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 23. *a.* An officer shall not be discharged,
16 disciplined, or threatened with discharge or discipline by a
17 state, county, or municipal law enforcement agency solely due
18 to a prosecuting attorney making a determination or disclosure
19 that exculpatory evidence exists concerning the officer.

20 *b.* This subsection does not prohibit a law enforcement
21 agency from dismissing, suspending, demoting, or taking other
22 disciplinary actions against an officer based on the underlying
23 actions that resulted in the exculpatory evidence being
24 withheld. If a collective bargaining agreement applies, the
25 actions taken by the law enforcement agency shall conform to
26 the rules and procedures adopted by the collective bargaining
27 agreement.

28 *c.* This subsection is repealed July 1, 2022.

29 Sec. 21. BRADY-GIGLIO LIST INTERIM COMMITTEE.

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

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

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

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

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

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

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

1 and recommendations, to the governor and the general assembly
2 no later than December 16, 2021.

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

9 DIVISION VI

10 PEACE OFFICERS — HEALTH PLAN

11 Sec. 22. NEW SECTION. 80.6A Peace officers — health
12 insurance.

13 1. *a.* Notwithstanding any provision to the contrary, peace
14 officers employed within the department that are not covered
15 under a collective bargaining agreement who were at any time
16 eligible to be enrolled in the group health insurance plan
17 that is negotiated under chapter 20 between the state and the
18 state police officers council labor union and who elect to
19 participate in a group health insurance plan provided by the
20 state, shall only be permitted to participate in the group
21 health insurance plan that is negotiated under chapter 20
22 between the state and the state police officers council labor
23 union for peace officers subject to the requirements of this
24 subsection. In addition, a peace officer who was covered under
25 a collective bargaining agreement and who becomes a manager
26 or supervisor and is no longer covered by the agreement shall
27 not lose group health insurance benefits as provided by the
28 agreement.

29 *b.* Notwithstanding any provision to the contrary, beginning
30 January 1, 2021, a peace officer or surviving spouse who is
31 participating in a group health insurance plan shall have the
32 option, upon retirement or approval for death benefits for an
33 eligible surviving spouse, to participate in the group health
34 insurance plan that is negotiated under chapter 20 between
35 the state and the state police officers council labor union

1 pursuant to section 509A.13 subject to the requirements of this
2 section.

3 2. The department shall be authorized to retain any savings
4 to the department for peace officers participating in the group
5 health insurance plan pursuant to subsection 1 from moneys
6 appropriated to the department.

7 **Sec. 23. NEW SECTION. 456A.13A Full-time officers — health**
8 **insurance.**

9 1. *a.* Notwithstanding any provision to the contrary,
10 full-time officers as defined in section 456A.13 that are not
11 covered under a collective bargaining agreement who were at
12 any time eligible to be enrolled in the group health insurance
13 plan that is negotiated under chapter 20 between the state
14 and the state police officers council labor union and who
15 elect to participate in a group health insurance plan provided
16 by the state, shall only be permitted to participate in the
17 group health insurance plan that is negotiated under chapter
18 20 between the state and the state police officers council
19 labor union for full-time officers subject to the requirements
20 of this subsection. In addition, a full-time officer who
21 was covered under a collective bargaining agreement and who
22 becomes a manager or supervisor and is no longer covered by
23 the agreement shall not lose group health insurance benefits
24 as provided by the agreement.

25 *b.* Notwithstanding any provision to the contrary, a
26 full-time officer participating in the group health insurance
27 plan pursuant to paragraph "a" shall have the option, upon
28 retirement, to continue participation in the group health
29 insurance plan pursuant to section 509A.13 subject to the
30 requirements of this section. However, a full-time officer who
31 was not covered under a collective bargaining agreement and not
32 participating in the group health insurance plan as provided by
33 this section at the time of retirement shall not be allowed to
34 participate in the group health insurance plan negotiated under
35 chapter 20 between the state and the state police officers

1 council upon retirement.

2 2. The department shall calculate the savings to the
3 department for full-time officers employed in the law
4 enforcement bureau of the department who are participating in
5 the group health insurance plan pursuant to subsection 1. The
6 department shall transfer to the state fish and game protection
7 fund created in section 456A.17 from moneys appropriated to the
8 department an amount equal to the savings calculated by the
9 department. In addition, the department shall be authorized
10 to retain any savings to the department for full-time officers
11 who are not employed in the law enforcement bureau of the
12 department participating in the group health insurance plan
13 pursuant to subsection 1 from moneys appropriated to the
14 department.

15 Sec. 24. GROUP HEALTH INSURANCE PLAN REPORTING — STATE
16 POLICE OFFICERS COUNCIL. Prior to July 1 of each calendar
17 year, if group health insurance is offered to employees who
18 are not covered by a collective bargaining agreement, the
19 provider of the group health insurance plan negotiated under
20 chapter 20 between the state and the state police officers
21 council labor union shall submit a report to the state police
22 officers council and the departments of public safety and
23 natural resources necessary for purposes of complying with
24 the requirements of sections 80.6A and 456A.13A. The report
25 shall include usage statistics that separately account for
26 employees in the group health insurance plan covered by a
27 collective bargaining agreement negotiated by the state police
28 officers council and those employees that are not covered
29 by a collective bargaining agreement and shall include any
30 information that led to any premium rate increase or decrease
31 for the following calendar year.

32 Sec. 25. EFFECTIVE DATE. This division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.

34 Sec. 26. RETROACTIVE APPLICABILITY. The following applies
35 retroactively to January 1, 2021:

1 The portion of the section of this division of this Act
2 enacting section 80.6A, subsection 1, paragraph "b".

3

DIVISION VII

4

WORKERS' COMPENSATION DISABILITY MEDICAL BENEFITS

5

Sec. 27. Section 97A.6, subsection 11, Code 2021, is amended
6 to read as follows:

7

11. *Pensions offset by compensation benefits.*

8

a. Any amounts which may be paid or payable by the state
9 under the provisions of any workers' compensation or similar
10 law to a member or to the dependents of a member on account of
11 any disability or death, shall be offset against and payable
12 in lieu of any benefits payable out of the retirement fund
13 provided by the state under the provisions of [this chapter](#) on
14 account of the same disability or death. In case the present
15 value of the total commuted benefits under said workers'
16 compensation or similar law is less than the present value
17 of the benefits otherwise payable from the retirement fund
18 provided by the state under [this chapter](#), then the present
19 value of the commuted payments shall be deducted from the
20 pension payable and such benefits as may be provided by the
21 system so reduced shall be payable under the provisions of this
22 chapter.

23

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

28

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

34

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

1 5. *Offset to allowance.*

2 a. Notwithstanding any provisions to the contrary in state
3 law, or any applicable contract or policy, any amounts which
4 may be paid or payable by the employer under any workers'
5 compensation, unemployment compensation, employer-paid
6 disability plan, program, or policy, or other law to a member,
7 and any disability payments the member receives pursuant to
8 the federal Social Security Act, 42 U.S.C. §423 et seq.,
9 shall be offset against and payable in lieu of any retirement
10 allowance payable pursuant to [this section](#) on account of the
11 same disability.

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

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

23 Sec. 29. Section 97B.50A, Code 2021, is amended by adding
24 the following new subsection:

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

35

DIVISION VIII

1 ENFORCEMENT OF LAWS — PEACE OFFICERS CARRYING FIREARMS

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

3 1. "*Local entity*" means the governing body of a city or
4 county. "*Local entity*" includes an officer or employee of a
5 local entity or a division, department, or other body that is
6 part of a local entity, including but not limited to a sheriff,
7 police department, city attorney, or county attorney.

8 2. "*Policy*" includes a rule, procedure, regulation, order,
9 ordinance, motion, resolution, or amendment, whether formal and
10 written or informal and unwritten.

11 Sec. 31. NEW SECTION. 27B.2 Restriction on enforcement of
12 state, local, and municipal law prohibited.

13 A local entity or law enforcement department shall not
14 adopt or enforce a policy or take any other action under which
15 the local entity or law enforcement department prohibits or
16 discourages the enforcement of state, local, or municipal laws.

17 Sec. 32. NEW SECTION. 27B.3 Discrimination prohibited.

18 A local entity or a person employed by or otherwise under the
19 direction or control of a local entity shall not consider race,
20 skin color, language spoken, or national origin while enforcing
21 state, local, and municipal laws except to the extent permitted
22 by the Constitution of the United States or the Constitution of
23 the State of Iowa.

24 Sec. 33. NEW SECTION. 27B.4 Complaints — notification —
25 civil action.

26 1. Any person may file a complaint with the attorney general
27 alleging that a local entity has violated or is violating
28 this chapter if the person offers evidence to support such an
29 allegation. The person shall include with the complaint any
30 evidence the person has in support of the complaint.

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

35 3. A complaint filed pursuant to [subsection 1](#) shall not be

1 valid unless the attorney general determines that a violation
2 of [this chapter](#) by a local entity was intentional.

3 4. If the attorney general determines that a complaint filed
4 pursuant to [this section](#) against a local entity is valid, the
5 attorney general, not later than ten days after the date of
6 such a determination, shall provide written notification to the
7 local entity by certified mail, with return receipt requested,
8 stating all of the following:

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

11 b. The attorney general has determined that the complaint is
12 valid.

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

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

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

28 a. Copies of all of the local entity's written policies
29 relating to the complaint.

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

32 c. If applicable, any evidence that would refute the
33 allegations made in the complaint.

34 6. No later than forty days after the date on which the
35 notification pursuant to [subsection 4](#) is received, the attorney

1 general shall file a civil action in district court to enjoin
2 any ongoing violation of [this chapter](#) by a local entity.

3 **Sec. 34. NEW SECTION. 27B.5 Denial of state funds.**

4 1. Notwithstanding any other provision of law to the
5 contrary, a local entity, including any entity under the
6 jurisdiction of the local entity, shall be ineligible to
7 receive any state funds if the local entity intentionally
8 violates [this chapter](#).

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

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

23 **Sec. 35. NEW SECTION. 27B.6 Reinstatement of eligibility**
24 **to receive state funds.**

25 1. Except as provided by [subsection 5](#), no earlier than
26 ninety days after the date of a final judicial determination
27 that a local entity has intentionally violated the provisions
28 of [this chapter](#), the local entity may petition the district
29 court that heard the civil action brought pursuant to section
30 27B.4, subsection 6, to seek a declaratory judgment that the
31 local entity is in full compliance with [this chapter](#).

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

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

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

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

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

15 Sec. 36. NEW SECTION. **27B.7 Attorney general database.**

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

21 Sec. 37. NEW SECTION. **724.4D Authority to carry firearm**
22 **— peace officers.**

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

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

27 DIVISION IX

28 ASSAULTS INVOLVING LASERS — ASSAULT — HARASSMENT

29 Sec. 39. Section 708.1, subsection 2, Code 2021, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. *d.* (1) Intentionally points a laser
32 emitting a visible light beam at another person with the intent
33 to cause pain or injury to another. For purposes of this
34 paragraph, "laser" means a device that emits a visible light
35 beam amplified by the stimulated emission of radiation and any

1 light which simulates the appearance of a laser.

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

3 (a) A law enforcement officer who uses a laser in
4 discharging or attempting to discharge the officer's official
5 duties.

6 (b) A health care professional who uses a laser in providing
7 services within the scope of practice of that professional or
8 any other person who is licensed or authorized by law to use a
9 laser or who uses a laser in the performance of the person's
10 official duties.

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

13 Sec. 40. Section 708.3A, subsections 1, 2, 3, and 4, Code
14 2021, are amended to read as follows:

15 1. A person who commits an assault, as defined in section
16 708.1, against a peace officer, jailer, correctional staff,
17 member or employee of the board of parole, health care
18 provider, employee of the department of human services,
19 employee of the department of revenue, civilian employee of a
20 law enforcement agency, civilian employee of a fire department,
21 or fire fighter, whether paid or volunteer, with the knowledge
22 that the person against whom the assault is committed is a
23 peace officer, jailer, correctional staff, member or employee
24 of the board of parole, health care provider, employee of
25 the department of human services, employee of the department
26 of revenue, civilian employee of a law enforcement agency,
27 civilian employee of a fire department, or fire fighter and
28 with the intent to inflict a serious injury upon the peace
29 officer, jailer, correctional staff, member or employee of
30 the board of parole, health care provider, employee of the
31 department of human services, employee of the department
32 of revenue, civilian employee of a law enforcement agency,
33 civilian employee of a fire department, or fire fighter, is
34 guilty of a class "D" felony.

35 2. A person who commits an assault, as defined in section

1 708.1, against a peace officer, jailer, correctional staff,
2 member or employee of the board of parole, health care
3 provider, employee of the department of human services,
4 employee of the department of revenue, civilian employee of a
5 law enforcement agency, civilian employee of a fire department,
6 or fire fighter, whether paid or volunteer, who knows that
7 the person against whom the assault is committed is a peace
8 officer, jailer, correctional staff, member or employee of
9 the board of parole, health care provider, employee of the
10 department of human services, employee of the department
11 of revenue, civilian employee of a law enforcement agency,
12 civilian employee of a fire department, or fire fighter and
13 who uses or displays a dangerous weapon in connection with the
14 assault, is guilty of a class "D" felony.

15 3. A person who commits an assault, as defined in section
16 708.1, against a peace officer, jailer, correctional staff,
17 member or employee of the board of parole, health care
18 provider, employee of the department of human services,
19 employee of the department of revenue, civilian employee of a
20 law enforcement agency, civilian employee of a fire department,
21 or fire fighter, whether paid or volunteer, who knows that
22 the person against whom the assault is committed is a peace
23 officer, jailer, correctional staff, member or employee of
24 the board of parole, health care provider, employee of the
25 department of human services, employee of the department
26 of revenue, civilian employee of a law enforcement agency,
27 civilian employee of a fire department, or fire fighter, and
28 who causes bodily injury or mental illness, is guilty of an
29 aggravated misdemeanor.

30 4. Any other assault, as defined in [section 708.1](#), committed
31 against a peace officer, jailer, correctional staff, member
32 or employee of the board of parole, health care provider,
33 employee of the department of human services, employee of the
34 department of revenue, civilian employee of a law enforcement
35 agency, civilian employee of a fire department, or fire

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

9 Sec. 41. Section 708.7, subsection 2, paragraph a, Code
10 2021, is amended by adding the following new subparagraph:

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

14 Sec. 42. Section 716.4, subsection 1, Code 2021, is amended
15 to read as follows:

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

18 a. The cost of replacing, repairing, or restoring the
19 property that is damaged, defaced, altered, or destroyed
20 exceeds one thousand five hundred dollars but does not exceed
21 ten thousand dollars.

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

28 Sec. 43. EFFECTIVE DATE. This division of this Act, being
29 deemed of immediate importance, takes effect upon enactment.

30 DIVISION X

31 PUBLIC DISORDER

32 Sec. 44. Section 723.1, Code 2021, is amended to read as
33 follows:

34 **723.1 Riot.**

35 A riot is three or more persons assembled together in a

1 violent and disturbing manner, ~~to the disturbance of others,~~
2 and with any use of unlawful force or violence by them or any
3 of them against another person, or causing property damage.
4 A person who willingly joins in or remains a part of a riot,
5 knowing or having reasonable grounds to believe that it is
6 such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

7 Sec. 45. Section 723.2, Code 2021, is amended to read as
8 follows:

9 **723.2 Unlawful assembly.**

10 An unlawful assembly is three or more persons assembled
11 together, with them or any of them acting in a violent manner,
12 and with intent that they or any of them will commit a public
13 offense. A person who willingly joins in or remains a part
14 of an unlawful assembly, or who joined a lawful assembly but
15 willingly remains after the assembly becomes unlawful, knowing
16 or having reasonable grounds to believe that it is such,
17 commits ~~a simple~~ an aggravated misdemeanor.

18 Sec. 46. Section 723.4, Code 2021, is amended by striking
19 the section and inserting in lieu thereof the following:

20 **723.4 Disorderly conduct.**

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

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

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

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

33 d. Without lawful authority or color of authority, the
34 person disturbs any lawful assembly or meeting of persons by
35 conduct intended to disrupt the meeting or assembly.

1 e. By words or action, initiates or circulates a report or
2 warning of fire, epidemic, or other catastrophe, knowing such
3 report to be false or such warning to be baseless.

4 f. (1) Knowingly and publicly uses the flag of the United
5 States in such a manner as to show disrespect for the flag as
6 a symbol of the United States, with the intent or reasonable
7 expectation that such use will provoke or encourage another to
8 commit trespass or assault.

9 (2) As used in this paragraph:

10 (a) "*Deface*" means to intentionally mar the external
11 appearance.

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

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

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

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

19 (f) "*Trample*" means to intentionally tread upon or
20 intentionally cause a machine, vehicle, or animal to tread
21 upon.

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

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

28 3. A person commits an aggravated misdemeanor when the
29 person commits disorderly conduct as described in subsection 2
30 and does any of the following:

31 a. Obstructs or attempts to obstruct a fully
32 controlled-access facility on a highway, street, or road in
33 which the speed restriction is controlled by section 321.285,
34 subsection 3, or section 321.285, subsection 5.

35 b. Commits property damage.

1 c. Is present during an unlawful assembly as defined in
2 section 723.2.

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

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

7 b. Causes bodily injury.

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

11 Sec. 47. NEW SECTION. 723.6 Interference with public
12 disorder control.

13 Any person who possesses a tool, instrument, or device with
14 the intent to suppress or disrupt law enforcement from legally
15 deploying a device to control public disorder under this
16 chapter commits an aggravated misdemeanor.

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

19 DIVISION XI

20 ELUDING LAW ENFORCEMENT — ACTS ON CERTAIN HIGHWAYS — CIVIL
21 LIABILITY

22 Sec. 49. Section 321.279, Code 2021, is amended to read as
23 follows:

24 321.279 Eluding or attempting to elude pursuing law
25 enforcement vehicle.

26 1. a. The driver of a motor vehicle commits a serious
27 misdemeanor if the driver willfully fails to bring the motor
28 vehicle to a stop or otherwise eludes or attempts to elude a
29 marked or unmarked official law enforcement vehicle driven by a
30 ~~uniformed~~ peace officer after being given a visual and audible
31 signal to stop. The signal given by the peace officer shall
32 be by flashing red light, or by flashing red and blue lights,
33 and siren. For purposes of **this section**, "peace officer" means
34 those officers designated under **section 801.4, subsection 11**,
35 paragraphs "a", "b", "c", "f", "g", and "h".

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

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

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

15 3. *a.* The driver of a motor vehicle commits a class "D"
16 felony if the driver willfully fails to bring the motor vehicle
17 to a stop or otherwise eludes or attempts to elude a marked or
18 unmarked official law enforcement vehicle that is driven by a
19 ~~uniformed~~ peace officer after being given a visual and audible
20 signal as provided in [this section](#), and in doing so exceeds the
21 speed limit by twenty-five miles per hour or more, and if any
22 of the following occurs:

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

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

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

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

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

32 Sec. 50. Section 321.366, subsection 1, Code 2021, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other
35 pedestrian conveyance or be a pedestrian anywhere on a fully

1 controlled-access facility. For purposes of this paragraph,
2 "*pedestrian conveyance*" means any human-powered device by which
3 a pedestrian may move other than by walking or by which a
4 walking person may move another pedestrian, including but not
5 limited to strollers and wheelchairs.

6 Sec. 51. NEW SECTION. 321.366A Immunity from civil
7 liability for certain vehicle operators.

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

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

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

25 Sec. 52. EFFECTIVE DATE. This division of this Act, being
26 deemed of immediate importance, takes effect upon enactment.

27 DIVISION XII

28 WINDOW TINTING

29 Sec. 53. Section 321.438, subsection 2, Code 2021, is
30 amended to read as follows:

31 2. A person shall not operate on the highway a motor
32 vehicle equipped with a front windshield, a side window to the
33 immediate right or left of the driver, or a ~~side-wing~~ sidewing
34 forward of and to the left or right of the driver which is
35 excessively dark or reflective so that it is difficult for a

1 person outside the motor vehicle to see into the motor vehicle
2 through the windshield, window, or sidewing.

3 a. The department shall adopt rules establishing a minimum
4 measurable standard of transparency which shall apply to
5 violations of this subsection.

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

10 DIVISION XIII

11 SHERIFF SALARIES

12 Sec. 54. Section 331.907, subsection 1, Code 2021, is
13 amended to read as follows:

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

32 DIVISION XIV

33 CIVIL SERVICE COMMISSION EXAMINATIONS

34 Sec. 55. Section 400.8, subsection 2, Code 2021, is amended
35 to read as follows:

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

12 Sec. 56. Section 400.9, subsection 2, Code 2021, is amended
13 to read as follows:

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

30 2. Title page, by striking line 1 and inserting <An Act
31 relating to public records and communications in professional
32 confidence; uniform commercial code filings; qualified
33 immunity; peace officer health plans and workers' compensation;
34 certain law enforcement matters; criminal laws involving public
35 disorder, assaults, and harassment; civil liability for certain

1 vehicle operators; window tinting; acts on certain highways;
2 and civil service commission examinations; providing penalties,
3 and including effective date and retroactive applicability
4 provisions.>>