

Senate File 534

S-3068

1 Amend the amendment, S-3063, to Senate File 534 as follows:

2 1. Page 1, after line 2 by inserting:

3 <___. Page 1, before line 13 by inserting:

4 1. Page 1, after line 12 by inserting:

5 <Sec. ___. NEW SECTION. 80I.1 Purpose — construction.

6 It is the purpose of this chapter to prohibit disparate
7 treatment in law enforcement, including racial and ethnic
8 profiling, to foster trust and cooperation with law enforcement
9 in Iowa communities and to create a safer state for all Iowans.

10 Sec. ___. NEW SECTION. 80I.2 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Board*" means the justice and community policing advisory
14 board established in section 216A.132.

15 2. "*Disparate treatment*" means differential treatment of
16 a person on the basis of personal demographics. "*Disparate*
17 *treatment*" does not include reliance on a specific subject
18 description-based identification.

19 3. "*Law enforcement activities*" means activities performed
20 by law enforcement officers including but not limited to
21 noncustodial questioning; interviews; vehicle, bicycle,
22 pedestrian, check point and roadblock stops; frisks and
23 other types of body searches; consensual and nonconsensual
24 searches of a person or the property of a person; consensual
25 and nonconsensual home searches; and in-person or electronic
26 contact with potential victims of and witnesses to a crime.
27 With regard to vehicle, bicycle, and pedestrian stops, "*law*
28 *enforcement activities*" includes not only law enforcement
29 actions that occur when initiating a stop but also law
30 enforcement actions that occur during the course of a
31 stop, including asking questions, frisks, consensual and
32 nonconsensual searches of a person or any property of a person,
33 seizing any property, removing occupants from a motor vehicle
34 during a traffic stop, issuing a warning or citation, and
35 making an arrest.

1 4. "*Law enforcement agency*" means any agency, department, or
2 division of a municipal corporation, political subdivision, or
3 other unit of local government of this state, and any agency,
4 department, or division of state government, having as its
5 primary function the prevention and detection of crime and the
6 enforcement of the criminal laws of this state.

7 5. "*Law enforcement officer*" means the same as defined in
8 section 80B.3.

9 6. "*Law enforcement services*" means activities that
10 contribute to the overall well-being and safety of the
11 public to include but not be limited to crime prevention and
12 investigation, preventative patrols, traffic control, traffic
13 accident response, medical emergency services and lifesaving
14 services, assistance at fire scenes, and public information and
15 education.

16 7. "*Personal demographics*" means personal characteristics
17 which include but are not limited to race, creed, color,
18 national origin, ethnicity, religion, sex, gender identity or
19 expression, sexual orientation, physical or mental disability,
20 or any other identifiable characteristics.

21 8. "*Specific subject description-based identification*"
22 means a reasonably detailed description of a specific person
23 including personal identifying characteristics of a potential
24 suspect or victim, including personal demographics.

25 9. "*Stop*" means the detention or temporary detention of
26 a person by a law enforcement officer, regardless of whether
27 a written warning or ticket is issued, an arrest is made,
28 a verbal warning is given, or the person is released from
29 detention or temporary detention.

30 Sec. ____ . NEW SECTION. 80I.3 **Disparate treatment**
31 **prohibited.**

32 1. A state or local law enforcement officer or civilian
33 employee of a law enforcement agency performing law enforcement
34 activities or delivering law enforcement services shall not
35 engage in the disparate treatment of any person.

1 2. A law enforcement officer shall not engage in disparate
2 treatment when detaining a person, conducting a stop, or
3 engaging in any other interactions with a person subsequent to
4 a stop.

5 Sec. _____. NEW SECTION. 80I.4 Data collection and reporting.

6 1. Each state and local law enforcement agency shall
7 collect and compile data on every stop conducted by a law
8 enforcement officer during a calendar year, and shall submit
9 an annual report, no later than November 1, to the division of
10 criminal and juvenile justice planning of the department of
11 human rights. The following information shall be collected,
12 compiled, and reported when a law enforcement officer stops a
13 person and requests the person's identification:

14 a. The time, date, and location of the stop.

15 b. The nature of the alleged law violation that resulted in
16 the stop.

17 c. Whether an arrest was made.

18 d. Whether a search was conducted as a result of the stop.

19 e. Whether an oral or written warning was given or a
20 citation was issued.

21 f. The offense the person was arrested for, if applicable.

22 g. The identifying characteristics of the person including
23 the person's race or ethnicity, sex, and age.

24 h. Any other information which the law enforcement officer
25 or law enforcement agency considers appropriate.

26 2. In consultation with law enforcement agencies, the
27 board, the department of public safety, and the division of
28 criminal and juvenile justice planning of the department of
29 human rights shall develop a uniform manner for each law
30 enforcement agency to report the information described in
31 subsection 1.

32 Sec. _____. NEW SECTION. 80I.5 Data analysis.

33 The division of criminal and juvenile justice planning of
34 the department of human rights shall compile all data reported
35 pursuant to section 80I.4, analyze the data in a timely manner,

1 and provide an analysis of the data along with the compiled
2 data to the board no later than December 1 of each year. The
3 report shall be accessible to the public from a prominent place
4 on the board's website.

5 Sec. _____. NEW SECTION. **80I.6 Investigations — civil**
6 **remedies.**

7 1. A law enforcement agency shall investigate all alleged
8 violations of section 80I.3 administratively, including through
9 the law enforcement agency's human resource office or internal
10 affairs office.

11 2. A person shall have the right to pursue civil remedies
12 under chapters 669 and 670 for violations of section 80I.3.

13 Sec. _____. Section 216A.3, subsection 2, paragraph a, Code
14 2021, is amended to read as follows:

15 a. The voting members shall consist of nine voting members
16 selected by each of the permanent commissions within the
17 department, and two voting members, appointed by the governor.
18 For purposes of this paragraph "a", "*permanent commissions*"
19 means the commission of Latino affairs, commission on the
20 status of women, commission of persons with disabilities,
21 commission on community action agencies, commission of deaf
22 services, justice and community policing advisory board,
23 commission on the status of African Americans, commission of
24 Asian and Pacific Islander affairs, and commission of Native
25 American affairs. The term of office for voting members is
26 four years.

27 Sec. _____. Section 216A.131, subsection 2, Code 2021, is
28 amended to read as follows:

29 2. "*Board*" means the justice and community policing advisory
30 board.

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

34 1. A justice and community policing advisory board is
35 established consisting of thirty-two members who shall all

1 reside in the state.

2 *a.* The governor shall appoint thirteen voting members
3 each for a four-year term beginning and ending as provided in
4 section 69.19 and subject to confirmation by the senate as
5 follows:

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

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

10 (3) A peace officer who is a member of the Iowa peace
11 officers association.

12 (4) A peace officer who is a member of the fraternal order
13 of police.

14 (5) A peace officer who is a member of the Iowa state police
15 association.

16 (6) A representative from the Iowa-Nebraska national
17 association for the advancement of colored people.

18 (7) A representative from the American civil liberties
19 union of Iowa.

20 (8) A representative from the Iowa coalition for collective
21 change.

22 (9) One person who was formerly under juvenile court or
23 correctional supervision.

24 (10) A representative from the office of the state public
25 defender.

26 (11) A representative from the Iowa county attorneys
27 association.

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

32 *b.* The following shall serve on the board as ex officio,
33 nonvoting members:

34 (1) The chairperson of the commission on the status of
35 African Americans or its designee.

- 1 (2) The chairperson of the commission of Latino affairs or
2 its designee.
- 3 (3) The chairperson of the commission of Asian and Pacific
4 Islander affairs or its designee.
- 5 (4) The chairperson of the commission of Native American
6 affairs or its designee.
- 7 (5) The director of the department of human services or its
8 designee.
- 9 (6) The director of the department of public health or its
10 designee.
- 11 (7) The commissioner of the department of public safety or
12 its designee.
- 13 (8) The director of the Iowa law enforcement academy or its
14 designee.
- 15 (9) The director of the department of corrections or its
16 designee.
- 17 (10) The chairperson of the board of parole or its designee.
- 18 (11) The attorney general or its designee.
- 19 (12) The director of the governor's office of drug control
20 policy or its designee.
- 21 (13) One member representing the judicial district
22 departments of correctional services designated by a majority
23 of the directors of the judicial district departments of
24 correctional services.
- 25 (14) The chief justice of the supreme court shall designate
26 the following:
- 27 (a) One member who is a district judge.
- 28 (b) One member who is either a district associate judge or
29 associate juvenile judge.
- 30 (15) The chairperson and ranking member of the senate
31 committee on judiciary shall be ex officio, nonvoting members.
32 In alternating two-year terms, beginning and ending as provided
33 in section 69.16B, the chairperson and ranking member of the
34 house committee on judiciary or of the house committee on
35 public safety shall be ex officio, nonvoting members, with the

1 chairperson and ranking member of the house committee on public
2 safety serving during the term beginning in January 2022.

3 Sec. _____. Section 216A.133, subsection 3, paragraph o, Code
4 2021, is amended by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. (9) Potential disparity in law
6 enforcement activities and the delivery of law enforcement
7 services.

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

10 NEW PARAGRAPH. s. Studying and making recommendations for
11 eliminating disparity in law enforcement activities and the
12 delivery of law enforcement services.

13 NEW PARAGRAPH. t. Recommending to the department the
14 adoption of rules pursuant to chapter 17A as it deems necessary
15 for the collection, compilation, and reporting of stop data
16 pursuant to section 80I.4.

17 Sec. _____. Section 216A.135, subsection 2, Code 2021, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. g. An assessment and analysis of the
20 collection, compilation, and reporting of stop data compiled by
21 law enforcement agencies, including an analysis of disparate
22 treatment based on personal demographics across geographic
23 areas of the state, the past and current status of racial
24 profiling across the state, and the impact on law enforcement
25 stop, search, and seizure tactics.>>

26 2. By renumbering as necessary.

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