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[HF 2647](#) – Criminal Justice Reform (LSB6421YH.1)  
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Fiscal Note Version – Final Action

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**Description and Background**

[House File 2647](#) relates to the certification, training, and prosecution of peace officers, and the use of chokeholds by peace officers.

**Division I: Prosecution by Attorney General**

Division I of HF 2647 authorizes the Attorney General (AG) to prosecute a criminal offense committed by a law enforcement officer, as defined in Iowa Code section [80B.3](#), which arises from the actions of the officer resulting in the death of another person, regardless of whether the county attorney requests the assistance of the AG or decides to independently prosecute the criminal offense committed by the officer. Should the AG determine that criminal charges are not appropriate, but that an officer has committed misconduct in violation of Iowa Code chapter [80B](#) or [80D](#), or related administrative rules, the AG may refer the matter to the Iowa Law Enforcement Academy (ILEA) Council to make a recommendation to suspend or revoke the officer's certification.

**Division II: Use of Chokeholds by Peace Officers**

Division II of HF 2647 amends existing Iowa Code section [804.8](#), relating to the use of force by a peace officer making an arrest, by providing that the use of a chokehold is only justified when the person being arrested has used or threatened to use deadly force in committing a felony, or when the peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

The Act defines "chokehold" as the intentional and prolonged application of force to the throat or windpipe that prevents or hinders breathing or reduces the intake of air.

**Division III: Certification — Other States — Revocation or Suspension**

Division III of HF 2647 establishes circumstances under which the ILEA Council is required to revoke a certification of a law enforcement or reserve peace officer, may suspend or revoke a certification of a law enforcement or reserve peace officer, or may deny an application of a law enforcement officer from another state seeking employment at an agency in this State.

The Act defines "serious misconduct" in relation to suspension or revocation of a certification as improper or illegal actions taken by a law enforcement officer or reserve peace officer in connection with the officer's official duties including but not limited to a conviction for a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

Additionally, HF 2647 requires that the ILEA promulgate administrative rules to reflect the circumstances under which the suspension or revocation of an officer's certification is appropriate, and under which circumstances the AG or another employing agency may so recommend.

#### **Division IV: Law Enforcement Training — De-Escalation Techniques and Prevention Bias**

House File 2647 requires the ILEA, in consultation with the Iowa Civil Rights Commission (ICRC), advocacy organizations, and various interest groups and stakeholders, to develop, provide, and disseminate annual training to every law enforcement officer employed by a law enforcement agency on matters related to de-escalation techniques and the prevention of bias. The training is mandatory for every law enforcement officer in the State, and must include all of the following:

- An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement in a diverse community.
- Instruction on diverse communities to foster mutual respect and cooperation between law enforcement and members of a community.
- An examination and identification of patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.
- An examination and identification of key elements and perspectives that make up differences among residents in a community.
- Instruction on implicit bias and consideration of the negative impact of intentional or implicit bias on effective law enforcement, including an examination of how historical perceptions of profiling have harmed community relations.
- Instruction on diverse perspectives of local constituency groups as provided by experts on particular cultural and law enforcement relations issues in a local area.
- A presentation of the history and role of the civil rights movement and the impact on law enforcement.
- Instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for use of force and nonlethal methods of applying force.

The ILEA is also required to consult with local law enforcement agencies to consider challenges and barriers to providing training, and what methods may be utilized to ease any agency burdens.

#### **Division V: Effective Date and Applicability**

If approved by the Governor on or after July 1, 2020, HF 2647 takes effect upon enactment and is retroactively applicable to July 1, 2020.

#### **Assumptions**

- To support the additional administrative oversight and to assist with the investigation and document preparation related to the decertification process, the ILEA assumes it will need to hire 1.0 additional Administrative Assistant full-time equivalent (FTE) position.
- To develop, provide, and disseminate the required training on de-escalation techniques and bias prevention, the ILEA assumes it will need to hire 1.0 additional Law Enforcement Instructor FTE position.
- It is assumed that the ILEA will not be able to hire both the instructor and administrative assistant positions by the beginning of FY 2021 on July 1, 2020. An estimated start date of October 1, 2020, is assumed for both positions.
- FY 2021 calculations assume the payment of salary and benefits for nine months. FY 2022 calculations assume salary and benefit payment for a full year.
- The ICRC assumes that its caseload may increase due to a rising number of complaints as a result of the passage of HF 2647.

**Fiscal Impact**

The total annual estimated fiscal impact of HF 2647 to the ILEA is displayed in the table below.

Position	Cost	
	FY 2021	FY 2022
<b>Salary and Benefits</b>		
1.0 Administrative Assistant FTE Position	\$ 70,000	\$ 100,000
<b>Salary and Benefits</b>		
1.0 Law Enforcement Instructor FTE Position	110,000	140,000
<b>Total</b>	<b>\$ 180,000</b>	<b>\$ 240,000</b>

The ICRC cannot determine the increase in its complaint caseload resulting from the implementation of HF 2647. At this time, it is not possible to determine the fiscal impact on the ICRC related to the implications of the Act.

**Sources**

Office of the Attorney General  
Iowa Law Enforcement Academy  
Iowa Civil Rights Commission  
Legislative Services Agency

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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