

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

April 2, 2021

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 698	H-1340		KLEIN of Washington
SF 342	H-1342		KLEIN of Washington
SF 356	H-1337		COMMITTEE ON AGRICULTURE, et al
SF 443	H-1338		COMMITTEE ON LOCAL GOVERNMENT, et al
SF 476	H-1341		KLEIN of Washington
SF 487	H-1339		COMMITTEE ON STATE GOVERNMENT, et al

HOUSE FILE 698

H-1340

1 Amend House File 698 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 80F.1, subsection 1, Code 2021, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *g.* "*Brady list*" means a list of officers
7 maintained by the county attorney's office, including officers
8 who may have impeached themselves as witnesses and officers
9 who may have violated the pretrial discovery rule requiring
10 officers to turn over all evidence that might be used to
11 exonerate a defendant.

12 Sec. 2. Section 80F.1, Code 2021, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 20. *a.* An officer shall not be discharged,
15 disciplined, or threatened with discharge or discipline by a
16 state, county, or municipal law enforcement agency solely due
17 to the inclusion of the officer's name on a Brady list.

18 *b.* This subsection does not prohibit a law enforcement
19 agency from dismissing, suspending, demoting, or taking other
20 disciplinary actions against an officer based on the underlying
21 actions that resulted in the officer's name being placed on
22 a Brady list including any impeachment evidence against the
23 officer or evidence that the officer may not have turned
24 over exculpatory evidence to a defendant. If a collective
25 bargaining agreement applies, the actions taken by the law
26 enforcement agency shall conform to the rules and procedures
27 adopted by the collective bargaining agreement.>

28 2. Title page, by striking lines 1 and 2 and inserting <An
29 Act relating to officer disciplinary actions.>

By KLEIN of Washington

H-1340 FILED APRIL 2, 2021

SENATE FILE 342

H-1342

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

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

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

8 **9E.1 Purpose.**

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

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

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

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

33 (2) ~~An adult, a minor, or an incapacitated person as defined~~
34 ~~in section 633.701.~~

35 (3) A victim of domestic abuse, domestic abuse assault,

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

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

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

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

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

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

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

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

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

29 NEW SUBSECTION. 4A. Upon request by a program participant,
30 the assessor or the assessor's staff shall redact the
31 requestor's name contained in electronic documents that
32 are displayed for public access through an internet site.
33 The assessor shall implement and maintain a process to
34 facilitate these requests. A fee shall not be charged for the
35 administration of this paragraph.

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

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

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

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

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

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

34 (4) The county assessor and the county recorder shall
35 implement and maintain a process to facilitate requests

1 pursuant to this paragraph.

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

4 DIVISION II

5 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

6 Sec. 8. Section 554.9510, subsection 1, Code 2021, is
7 amended to read as follows:

8 1. *Filed record effective if authorized.* A filed record
9 is effective only to the extent that it was filed by a person
10 that may file it under section 554.9509 or by the filing office
11 under section 554.9513A.

12 Sec. 9. NEW SECTION. 554.9513A **Termination of wrongfully**
13 **filed financing statement — reinstatement.**

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

16 a. Regularly causes records to be communicated to the
17 filing office for filing and has provided the filing office
18 with current contact information and information sufficient to
19 establish the person’s identity.

20 b. Satisfies either of the following conditions:

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

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

26 2. *Affidavit of wrongful filing.* A person identified as
27 debtor in a filed financing statement may deliver to the
28 filing office a notarized, sworn affidavit that identifies the
29 financing statement by file number, indicates the affiant’s
30 mailing address, and states that the affiant believes that
31 the filed record identifying the affiant as debtor was not
32 authorized to be filed and was caused to be communicated to the
33 filing office with the intent to harass or defraud the affiant.
34 The filing office may reject an affidavit that is incomplete or
35 that it believes was delivered to it with the intent to harass

1 or defraud the secured party. The office of the secretary
2 of state shall adopt a form of affidavit for use under this
3 section.

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

14 4. *No fee charged or refunded.* The filing office shall not
15 charge a fee for the filing of an affidavit under subsection
16 2 or a termination statement under subsection 3. The filing
17 office shall not return any fee paid for filing the financing
18 statement identified in the affidavit, whether or not the
19 financing statement is reinstated under subsection 7.

20 5. *Notice of termination statement.* On the same day that a
21 filing office files a termination statement under subsection
22 3, the filing office shall send to the secured party of record
23 for the financing statement to which the termination statement
24 relates a notice stating that the termination statement
25 has been filed and will become effective ninety days after
26 filing. The notice shall be sent by certified mail, return
27 receipt requested, to the address provided for the secured
28 party of record in the financing statement with a copy sent by
29 electronic mail to the electronic mail address provided by the
30 secured party of record, if any.

31 6. *Administrative review — action for reinstatement.* A
32 secured party that believes in good faith that the filed record
33 identified in an affidavit delivered to the filing office under
34 subsection 2 was authorized to be filed and was not caused to
35 be communicated to the filing office with the intent to harass

1 or defraud the affiant may:

2 *a.* Before the termination statement takes effect, request
3 that the filing office conduct an expedited review of the
4 filed record and any documentation provided by the secured
5 party. The filing office may as a result of this review remove
6 from the record the termination statement filed by it under
7 subsection 3 before the termination statement takes effect and
8 conduct an administrative review under subsection 11.

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

20 7. *Filing office to file notice of action for*
21 *reinstatement.* Within ten days after being served with process
22 in an action under subsection 6, the filing office shall file
23 a notice indicating that the action has been commenced. The
24 notice must indicate the file number of the initial financing
25 statement to which the notice relates.

26 8. *Action for reinstatement successful.* If, in an action
27 under subsection 6, the court determines that the financing
28 statement was authorized to be filed and was not caused to be
29 communicated to the filing office with the intent to harass or
30 defraud the affiant, the court shall order that the financing
31 statement be reinstated. If an order of reinstatement is
32 issued by the court, the filing office shall promptly file a
33 record that identifies by its file number the initial financing
34 statement to which the record relates and indicates that the
35 financing statement has been reinstated.

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

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

22 11. *Procedure for record filed by trusted filer.* If an
23 affidavit delivered to a filing office under subsection 2
24 relates to a filed record communicated to the filing office by
25 a trusted filer, the filing office shall promptly send to the
26 secured party of record a notice stating that the affidavit has
27 been delivered to the filing office and that the filing office
28 is conducting an administrative review to determine whether the
29 record was caused to be communicated with the intent to harass
30 or defraud the affiant. The notice shall be sent by certified
31 mail, return receipt requested, to the address provided for
32 the secured party in the financing statement with a copy sent
33 by electronic mail to the electronic mail address provided
34 by the secured party of record, if any, and a copy shall be
35 sent in the same manner to the affiant. The administrative

1 review shall be conducted on an expedited basis and the filing
2 office may require the affiant and the secured party of record
3 to provide any additional information that the filing office
4 deems appropriate. If the filing office concludes that the
5 record was caused to be communicated with the intent to harass
6 or defraud the affiant, the filing office shall promptly file a
7 termination statement under subsection 2 that will be effective
8 immediately and send to the secured party of record the notice
9 required by subsection 5. The secured party may thereafter
10 file an action for reinstatement under subsection 6 and the
11 provisions of subsections 7 through 10 are applicable.

12 Sec. 10. NEW SECTION. 714.29 Records filed with intent to
13 harass or defraud.

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

17 a. The person is not authorized to file the record under
18 section 554.9509.

19 b. The record is not related to an existing or anticipated
20 transaction that is or will be governed by chapter 554, article
21 9.

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

24 2. A person that violates subsection 1 is guilty of a simple
25 misdemeanor for a first offense and a serious misdemeanor for a
26 second or subsequent offense.

27 DIVISION III

28 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

29 Sec. 11. NEW SECTION. 70A.23A Credit for accrued sick leave
30 — retired public safety employees.

31 A public safety employee, as defined in section 20.3,
32 subsection 11, who retires and has applied for retirement
33 benefits under an eligible retirement system, shall receive
34 credit for all accumulated, unused sick leave which shall be
35 converted at current value and credited to an account for the

1 public safety employee for the purpose of paying the public
2 safety employee's cost of the monthly premiums for continuance
3 of the public safety employee's health insurance plan. Upon
4 the death of a retired public safety employee, the surviving
5 spouse or dependents shall be entitled to the value of the
6 accumulated unused sick leave for the purpose of paying the
7 cost of monthly premiums for continuation of a public safety
8 employee's health insurance policy for the public safety
9 employee's surviving spouse or dependents. This section
10 shall not apply to a public safety employee covered under a
11 collective bargaining agreement which provides for an employer
12 paid retirement health savings plan.

13 DIVISION IV

14 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

15 Sec. 12. Section 97A.6, subsection 11, Code 2021, is amended
16 to read as follows:

17 11. *Pensions offset by compensation benefits.*

18 a. Any amounts which may be paid or payable by the state
19 under the provisions of any workers' compensation or similar
20 law to a member or to the dependents of a member on account of
21 any disability or death, shall be offset against and payable
22 in lieu of any benefits payable out of the retirement fund
23 provided by the state under the provisions of this chapter on
24 account of the same disability or death. In case the present
25 value of the total commuted benefits under said workers'
26 compensation or similar law is less than the present value
27 of the benefits otherwise payable from the retirement fund
28 provided by the state under this chapter, then the present
29 value of the commuted payments shall be deducted from the
30 pension payable and such benefits as may be provided by the
31 system so reduced shall be payable under the provisions of this
32 chapter.

33 b. Notwithstanding paragraph "a", any workers' compensation
34 benefits received by a member for past medical expenses or
35 future medical expenses shall not be offset against and not

1 considered payable in lieu of any retirement allowance payable
2 pursuant to this section on account of the same disability.

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

9 Sec. 13. Section 97B.50A, subsection 5, Code 2021, is
10 amended to read as follows:

11 5. *Offset to allowance.*

12 a. Notwithstanding any provisions to the contrary in state
13 law, or any applicable contract or policy, any amounts which
14 may be paid or payable by the employer under any workers'
15 compensation, unemployment compensation, employer-paid
16 disability plan, program, or policy, or other law to a member,
17 and any disability payments the member receives pursuant to
18 the federal Social Security Act, 42 U.S.C. §423 et seq.,
19 shall be offset against and payable in lieu of any retirement
20 allowance payable pursuant to this section on account of the
21 same disability.

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

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

33

DIVISION V

34

CIVIL SERVICE COMMISSION EXAMINATIONS

35

Sec. 14. Section 400.8, subsection 2, Code 2021, is amended

1 to read as follows:

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

13 Sec. 15. Section 400.9, subsection 2, Code 2021, is amended
14 to read as follows:

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

31

DIVISION VI

32 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

33 Sec. 16. Section 321.279, Code 2021, is amended to read as
34 follows:

35 **321.279 Eluding or attempting to elude pursuing law**

1 **enforcement vehicle.**

2 1. *a.* The driver of a motor vehicle commits a serious
3 misdemeanor if the driver willfully fails to bring the motor
4 vehicle to a stop or otherwise eludes or attempts to elude a
5 marked or unmarked official law enforcement vehicle driven by a
6 ~~uniformed~~ peace officer after being given a visual and audible
7 signal to stop. The signal given by the peace officer shall
8 be by flashing red light, or by flashing red and blue lights,
9 and siren. For purposes of this section, "*peace officer*" means
10 those officers designated under section 801.4, subsection 11,
11 paragraphs "*a*", "*b*", "*c*", "*f*", "*g*", and "*h*".

12 *b.* The driver of a motor vehicle who commits a second or
13 subsequent violation under this subsection is, upon conviction,
14 guilty of an aggravated misdemeanor.

15 2. *a.* The driver of a motor vehicle commits an aggravated
16 misdemeanor if the driver willfully fails to bring the motor
17 vehicle to a stop or otherwise eludes or attempts to elude a
18 marked or unmarked official law enforcement vehicle that is
19 driven by a ~~uniformed~~ peace officer after being given a visual
20 and audible signal as provided in this section and in doing so
21 exceeds the speed limit by twenty-five miles per hour or more.

22 *b.* The driver of a motor vehicle who commits a violation
23 under this subsection and who has previously committed a
24 violation under this subsection or subsection 3 is, upon
25 conviction, guilty of a class "D" felony.

26 3. *a.* The driver of a motor vehicle commits a class "D"
27 felony if the driver willfully fails to bring the motor vehicle
28 to a stop or otherwise eludes or attempts to elude a marked or
29 unmarked official law enforcement vehicle that is driven by a
30 ~~uniformed~~ peace officer after being given a visual and audible
31 signal as provided in this section, and in doing so exceeds the
32 speed limit by twenty-five miles per hour or more, and if any
33 of the following occurs:

34 (1) The driver is participating in a public offense, as
35 defined in section 702.13, that is a felony.

1 (2) The driver is in violation of section 321J.2.

2 (3) The driver is in violation of section 124.401.

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

5 b. The driver of a motor vehicle who commits a second or
6 subsequent violation under this subsection is, upon conviction,
7 guilty of a class "C" felony.

8 Sec. 17. NEW SECTION. 724.4D Authority to carry firearm
9 — peace officers.

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

12 DIVISION VII

13 ASSAULTS INVOLVING LASERS

14 Sec. 18. Section 708.1, subsection 2, Code 2021, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. d. (1) Intentionally points a laser
17 emitting a visible light beam at another person with the intent
18 to cause pain or injury to another. For purposes of this
19 paragraph, "laser" means a device that emits a visible light
20 beam amplified by the stimulated emission of radiation and any
21 light which simulates the appearance of a laser.

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

23 (a) A law enforcement officer who uses a laser in
24 discharging or attempting to discharge the officer's official
25 duties.

26 (b) A health care professional who uses a laser in providing
27 services within the scope of practice of that professional or
28 any other person who is licensed or authorized by law to use a
29 laser or who uses a laser in the performance of the person's
30 official duties.

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

33 DIVISION VIII

34 ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY
35 CONDUCT

1 Sec. 19. Section 321.366, subsection 1, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other
4 pedestrian conveyance or be a pedestrian anywhere on a fully
5 controlled-access facility. For purposes of this paragraph,
6 "*pedestrian conveyance*" means any human-powered device by which
7 a pedestrian may move other than by walking or by which a
8 walking person may move another pedestrian, including but not
9 limited to strollers and wheelchairs.

10 Sec. 20. Section 708.3A, subsections 1, 2, 3, and 4, Code
11 2021, are amended to read as follows:

12 1. A person who commits an assault, as defined in section
13 708.1, against a peace officer, jailer, correctional staff,
14 member or employee of the board of parole, health care
15 provider, employee of the department of human services,
16 employee of the department of revenue, civilian employee of a
17 law enforcement agency, civilian employee of a fire department,
18 or fire fighter, whether paid or volunteer, with the knowledge
19 that the person against whom the assault is committed is a
20 peace officer, jailer, correctional staff, member or employee
21 of the board of parole, health care provider, employee of
22 the department of human services, employee of the department
23 of revenue, civilian employee of a law enforcement agency,
24 civilian employee of a fire department, or fire fighter and
25 with the intent to inflict a serious injury upon the peace
26 officer, jailer, correctional staff, member or employee of
27 the board of parole, health care provider, employee of the
28 department of human services, employee of the department
29 of revenue, civilian employee of a law enforcement agency,
30 civilian employee of a fire department, or fire fighter, is
31 guilty of a class "D" felony.

32 2. A person who commits an assault, as defined in section
33 708.1, against a peace officer, jailer, correctional staff,
34 member or employee of the board of parole, health care
35 provider, employee of the department of human services,

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

12 3. A person who commits an assault, as defined in section
13 708.1, against a peace officer, jailer, correctional staff,
14 member or employee of the board of parole, health care
15 provider, employee of the department of human services,
16 employee of the department of revenue, civilian employee of a
17 law enforcement agency, civilian employee of a fire department,
18 or fire fighter, whether paid or volunteer, who knows that
19 the person against whom the assault is committed is a peace
20 officer, jailer, correctional staff, member or employee of
21 the board of parole, health care provider, employee of the
22 department of human services, employee of the department
23 of revenue, civilian employee of a law enforcement agency,
24 civilian employee of a fire department, or fire fighter, and
25 who causes bodily injury or mental illness, is guilty of an
26 aggravated misdemeanor.

27 4. Any other assault, as defined in section 708.1, committed
28 against a peace officer, jailer, correctional staff, member
29 or employee of the board of parole, health care provider,
30 employee of the department of human services, employee of the
31 department of revenue, civilian employee of a law enforcement
32 agency, civilian employee of a fire department, or fire
33 fighter, whether paid or volunteer, by a person who knows
34 that the person against whom the assault is committed is a
35 peace officer, jailer, correctional staff, member or employee

1 of the board of parole, health care provider, employee of
2 the department of human services, employee of the department
3 of revenue, civilian employee of a law enforcement agency,
4 civilian employee of a fire department, or fire fighter, is a
5 serious misdemeanor.

6 Sec. 21. Section 708.7, subsection 2, paragraph a, Code
7 2021, is amended by adding the following new subparagraph:

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

11 Sec. 22. Section 716.4, subsection 1, Code 2021, is amended
12 to read as follows:

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

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

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

25 Sec. 23. Section 723.4, Code 2021, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **723.4 Disorderly conduct.**

28 1. A person commits a simple misdemeanor when the person
29 does any of the following:

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

34 b. Makes loud and raucous noise in the vicinity of any
35 residence or public building which intentionally or recklessly

1 causes unreasonable distress to the occupants thereof.

2 *c.* Directs abusive epithets or makes any threatening gesture
3 which the person knows or reasonably should know is likely to
4 provoke a violent reaction by another.

5 *d.* Without lawful authority or color of authority, the
6 person disturbs any lawful assembly or meeting of persons by
7 conduct intended to disrupt the meeting or assembly.

8 *e.* By words or action, initiates or circulates a report or
9 warning of fire, epidemic, or other catastrophe, knowing such
10 report to be false or such warning to be baseless.

11 *f.* (1) Knowingly and publicly uses the flag of the United
12 States in such a manner as to show disrespect for the flag as
13 a symbol of the United States, with the intent or reasonable
14 expectation that such use will provoke or encourage another to
15 commit trespass or assault.

16 (2) As used in this paragraph:

17 (a) "*Deface*" means to intentionally mar the external
18 appearance.

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

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

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

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

26 (f) "*Trample*" means to intentionally tread upon or
27 intentionally cause a machine, vehicle, or animal to tread
28 upon.

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

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

35 3. A person commits an aggravated misdemeanor when the

1 A local entity or a person employed by or otherwise under the
2 direction or control of a local entity shall not consider race,
3 skin color, language spoken, or national origin while enforcing
4 state, local, and municipal laws except to the extent permitted
5 by the Constitution of the United States or the Constitution of
6 the State of Iowa.

7 Sec. 27. NEW SECTION. 27B.4 Complaints — notification —
8 civil action.

9 1. Any person may file a complaint with the attorney general
10 alleging that a local entity has violated or is violating
11 this chapter if the person offers evidence to support such an
12 allegation. The person shall include with the complaint any
13 evidence the person has in support of the complaint.

14 2. A local entity for which the attorney general has
15 received a complaint pursuant to this section shall comply
16 with any document requests, including a request for supporting
17 documents, from the attorney general relating to the complaint.

18 3. A complaint filed pursuant to subsection 1 shall not be
19 valid unless the attorney general determines that a violation
20 of this chapter by a local entity was intentional.

21 4. If the attorney general determines that a complaint filed
22 pursuant to this section against a local entity is valid, the
23 attorney general, not later than ten days after the date of
24 such a determination, shall provide written notification to the
25 local entity by certified mail, with return receipt requested,
26 stating all of the following:

27 a. A complaint pursuant to this section has been filed and
28 the grounds for the complaint.

29 b. The attorney general has determined that the complaint is
30 valid.

31 c. The attorney general is authorized to file a civil
32 action in district court pursuant to subsection 6 to enjoin a
33 violation of this chapter no later than forty days after the
34 date on which the notification is received if the local entity
35 does not come into compliance with the requirements of this

1 chapter.

2 *d.* The local entity and any entity that is under the
3 jurisdiction of the local entity will be denied state funds
4 pursuant to section 27B.5 for the state fiscal year following
5 the year in which a final judicial determination in a civil
6 action brought under this section is made.

7 5. No later than thirty days after the date on which a local
8 entity receives written notification under subsection 4, the
9 local entity shall provide the attorney general with all of the
10 following:

11 *a.* Copies of all of the local entity's written policies
12 relating to the complaint.

13 *b.* A description of all actions the local entity has taken
14 or will take to correct any violations of this chapter.

15 *c.* If applicable, any evidence that would refute the
16 allegations made in the complaint.

17 6. No later than forty days after the date on which the
18 notification pursuant to subsection 4 is received, the attorney
19 general shall file a civil action in district court to enjoin
20 any ongoing violation of this chapter by a local entity.

21 Sec. 28. NEW SECTION. **27B.5 Denial of state funds.**

22 1. Notwithstanding any other provision of law to the
23 contrary, a local entity, including any entity under the
24 jurisdiction of the local entity, shall be ineligible to
25 receive any state funds if the local entity intentionally
26 violates this chapter.

27 2. State funds shall be denied to a local entity pursuant
28 to subsection 1 by all state agencies for each state fiscal
29 year that begins after the date on which a final judicial
30 determination that the local entity has intentionally violated
31 this chapter is made in a civil action brought pursuant to
32 section 27B.4, subsection 6. State funds shall continue
33 to be denied until eligibility to receive state funds is
34 reinstated under section 27B.6. However, any state funds for
35 the provision of wearable body protective gear used for law

1 enforcement purposes shall not be denied under this section.

2 3. The department of management shall adopt rules pursuant
3 to chapter 17A to implement this section and section 27B.6
4 uniformly across state agencies from which state funds are
5 distributed to local entities.

6 Sec. 29. NEW SECTION. **27B.6 Reinstatement of eligibility**
7 **to receive state funds.**

8 1. Except as provided by subsection 5, no earlier than
9 ninety days after the date of a final judicial determination
10 that a local entity has intentionally violated the provisions
11 of this chapter, the local entity may petition the district
12 court that heard the civil action brought pursuant to section
13 27B.4, subsection 6, to seek a declaratory judgment that the
14 local entity is in full compliance with this chapter.

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

19 3. If the court issues a declaratory judgment declaring that
20 the local entity is in full compliance with this chapter, the
21 local entity's eligibility to receive state funds is reinstated
22 beginning on the first day of the month following the date on
23 which the declaratory judgment is issued.

24 4. A local entity shall not petition the court as described
25 in subsection 1 more than twice in one twelve-month period.

26 5. A local entity may petition the court as described in
27 subsection 1 before the date provided in subsection 1 if the
28 person who was the director or other chief officer of the
29 local entity at the time of the violation of this chapter is
30 subsequently removed from or otherwise leaves office.

31 6. A party shall not be entitled to recover any attorney
32 fees in a civil action described by subsection 1.

33 Sec. 30. NEW SECTION. **27B.7 Attorney general database.**

34 The attorney general shall develop and maintain a searchable
35 database listing each local entity for which a final judicial

1 determination described in section 27B.5, subsection 2, has
2 been made. The attorney general shall post the database on the
3 attorney general's internet site.

4 DIVISION X

5 QUALIFIED IMMUNITY

6 Sec. 31. NEW SECTION. 669.14A Qualified immunity.

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

11 a. The right, privilege, or immunity secured by law was not
12 clearly established at the time of the alleged deprivation,
13 or at the time of the alleged deprivation the state of the
14 law was not sufficiently clear that every reasonable employee
15 would have understood that the conduct alleged constituted a
16 violation of law.

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

21 2. The state or a state agency shall not be liable for
22 any claim brought under this chapter where the employee
23 was determined to be protected by qualified immunity under
24 subsection 1.

25 3. A plaintiff who brings a claim under this chapter
26 alleging a violation of the law must state with particularity
27 the circumstances constituting the violation and that the law
28 was clearly established at the time of the alleged violation.
29 Failure to plead a plausible violation or failure to plead that
30 the law was clearly established at the time of the alleged
31 violation shall result in dismissal with prejudice.

32 4. Any decision by the district court denying qualified
33 immunity shall be immediately appealable.

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

1 Sec. 32. NEW SECTION. **669.26 Money damages — nonwaiver**
2 **of rights.**

3 This chapter shall not be construed to be a waiver of
4 sovereign immunity for a claim for money damages under the
5 Constitution of the State of Iowa.

6 Sec. 33. NEW SECTION. **670.4A Qualified immunity.**

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

11 *a.* The right, privilege, or immunity secured by law was not
12 clearly established at the time of the alleged deprivation,
13 or at the time of the alleged deprivation the state of the
14 law was not sufficiently clear that every reasonable employee
15 would have understood that the conduct alleged constituted a
16 violation of law.

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

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

24 3. A plaintiff who brings a claim under this chapter
25 alleging a violation of the law must state with particularity
26 the circumstances constituting the violation and that the law
27 was clearly established at the time of the alleged violation.
28 Failure to plead a plausible violation or failure to plead that
29 the law was clearly established at the time of the alleged
30 violation shall result in dismissal with prejudice.

31 4. Any decision by the district court denying qualified
32 immunity shall be immediately appealable.

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

35 Sec. 34. NEW SECTION. **670.14 Money damages — nonwaiver**

1 of rights.

2 This chapter shall not be construed to be a waiver of
3 sovereign immunity for a claim for money damages under the
4 Constitution of the State of Iowa.

5 Sec. 35. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7 DIVISION XI

8 PUBLIC DISORDER

9 Sec. 36. Section 723.1, Code 2021, is amended to read as
10 follows:

11 **723.1 Riot.**

12 A riot is three or more persons assembled together in a
13 violent and disturbing manner, ~~to the disturbance of others,~~
14 and with any use of unlawful force or violence by them or any
15 of them against another person, or causing property damage.
16 A person who willingly joins in or remains a part of a riot,
17 knowing or having reasonable grounds to believe that it is
18 such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

19 Sec. 37. Section 723.2, Code 2021, is amended to read as
20 follows:

21 **723.2 Unlawful assembly.**

22 An unlawful assembly is three or more persons assembled
23 together, with them or any of them acting in a violent manner,
24 and with intent that they or any of them will commit a public
25 offense. A person who willingly joins in or remains a part
26 of an unlawful assembly, or who joined a lawful assembly but
27 willingly remains after the assembly becomes unlawful, knowing
28 or having reasonable grounds to believe that it is such,
29 commits ~~a simple~~ an aggravated misdemeanor.

30 DIVISION XII

31 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF
32 RIGHTS

33 Sec. 38. Section 80F.1, subsection 1, paragraph a, Code
34 2021, is amended to read as follows:

35 a. "*Complaint*" means a formal written allegation signed

1 by the complainant or a signed written statement by an
2 officer receiving an oral complaint stating the complainant's
3 allegation.

4 Sec. 39. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,
5 Code 2021, are amended to read as follows:

6 3. A formal administrative investigation of an officer
7 shall be commenced and completed in a reasonable period of time
8 ~~and an.~~ An officer shall be immediately notified in writing
9 of the results of the investigation when the investigation is
10 completed.

11 5. An officer who is the subject of a complaint, shall at a
12 minimum, be provided a written summary of the complaint prior
13 to an interview. If a collective bargaining agreement applies,
14 the complaint or written summary shall be provided pursuant
15 to the procedures established under the collective bargaining
16 agreement. If the complaint alleges domestic abuse, sexual
17 abuse, workplace harassment, or sexual harassment, an officer
18 shall not receive more than a written summary of the complaint.

19 8. a. The officer shall have the right to have the
20 assistance of legal counsel present, at the officer's expense,
21 during the interview of the officer and during hearings or
22 other disciplinary or administrative proceedings relating
23 to the complaint. In addition, the officer shall have the
24 right, at the officer's expense, to have a union representative
25 present during the interview or, if not a member of a union,
26 the officer shall have the right to have a designee present.

27 b. The officer's legal counsel, union representative, or
28 employee representative shall not be compelled to disclose in
29 any judicial proceeding, nor be subject to any investigation
30 or punitive action for refusing to disclose, any information
31 received from an officer under investigation or from an
32 agent of the officer, so long as the officer or agent of the
33 officer is an uninvolved party and not considered a witness
34 to any incident. The officer's legal counsel may coordinate
35 and communicate in confidence with the officer's designated

1 union representative or employee representative, and such
2 communications are not subject to discovery in any proceeding.

3 9. If a formal administrative investigation results in
4 the removal, discharge, or suspension, or other disciplinary
5 action against an officer, copies of any witness statements
6 and the complete investigative agency's report shall be timely
7 provided to the officer upon the request of the officer or the
8 officer's legal counsel upon request at the completion of the
9 investigation.

10 13. An officer shall have the right to ~~pursue civil remedies~~
11 ~~under the law~~ bring a cause of action against a ~~citizen~~ any
12 person, group of persons, organization, or corporation for
13 damages arising from the filing of a false complaint against
14 the officer or any other violation of this chapter including
15 but not limited to actual damages, court costs, and reasonable
16 attorney fees.

17 18. A municipality, county, or state agency employing
18 an officer shall not publicly release the officer's official
19 photograph without the written permission of the officer or
20 without a request to release pursuant to chapter 22. An
21 officer's personal information including but not limited to the
22 officer's home address, personal telephone number, personal
23 electronic mail address, date of birth, social security number,
24 and driver's license number shall be confidential and shall be
25 redacted from any record prior to the record's release to the
26 public by the employing agency. Nothing in this subsection
27 prohibits the release of an officer's photograph or unredacted
28 personal information to the officer's legal counsel, union
29 representative, or designated employee representative upon the
30 officer's request.

31 Sec. 40. Section 80F.1, Code 2021, is amended by adding the
32 following new subsections:

33 NEW SUBSECTION. 20. The employing agency shall keep
34 an officer's statement, recordings, or transcripts of any
35 interviews or disciplinary proceedings, and any complaints

1 made against an officer confidential unless otherwise provided
2 by law or with the officer's written consent. Nothing in
3 this section prohibits the release of an officer's statement,
4 recordings, or transcripts of any interviews or disciplinary
5 proceedings, and any complaints made against an officer to
6 the officer or the officer's legal counsel upon the officer's
7 request.

8 NEW SUBSECTION. 21. An agency employing full-time or
9 part-time officers shall provide training to any officer or
10 supervisor who performs or supervises an investigation under
11 this section, and shall maintain documentation of any training
12 related to this section. The Iowa law enforcement academy
13 shall adopt minimum training standards not inconsistent with
14 this subsection, including training standards concerning
15 interviewing an officer subject to a complaint.

16 NEW SUBSECTION. 22. Upon written request, the employing
17 agency shall provide to the requesting officer or the officer's
18 legal counsel a copy of the officer's personnel file and
19 training records regardless of whether the officer is subject
20 to a formal administrative investigation at the time of the
21 request.

22 DIVISION XIII

23 CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

24 Sec. 41. NEW SECTION. 321.366A Immunity from civil
25 liability for certain vehicle operators.

26 1. The driver of a vehicle who is exercising due care and
27 who injures another person who is participating in a protest,
28 demonstration, riot, or unlawful assembly or who is engaging in
29 disorderly conduct and is blocking traffic in a public street
30 or highway shall be immune from civil liability for the injury
31 caused by the driver of the vehicle.

32 2. The driver of a vehicle who injures another person
33 who is participating in a protest, demonstration, riot, or
34 unlawful assembly or who is engaging in disorderly conduct and
35 is blocking traffic in a public street or highway shall not

1 be immune from civil liability if the actions leading to the
2 injury caused by the driver of a vehicle constitute reckless
3 or willful misconduct.

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

8 DIVISION XIV

9 WINDOW TINTING

10 Sec. 42. Section 321.438, subsection 2, Code 2021, is
11 amended to read as follows:

12 2. A person shall not operate on the highway a motor
13 vehicle equipped with a front windshield, a side window to the
14 immediate right or left of the driver, or a ~~side-wing~~ sidewing
15 forward of and to the left or right of the driver which is
16 excessively dark or reflective so that it is difficult for a
17 person outside the motor vehicle to see into the motor vehicle
18 through the windshield, window, or sidewing.

19 a. The department shall adopt rules establishing a minimum
20 measurable standard of transparency which shall apply to
21 violations of this subsection.

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

26 DIVISION XV

27 SHERIFF SALARIES

28 Sec. 43. Section 331.907, subsection 1, Code 2021, is
29 amended to read as follows:

30 1. The annual compensation of the auditor, treasurer,
31 recorder, sheriff, county attorney, and supervisors shall
32 be determined as provided in this section. The county
33 compensation board annually shall review the compensation
34 paid to comparable officers in other counties of this
35 state, other states, private enterprise, and the federal

1 government. In setting the salary of the county sheriff,
2 the county compensation board shall ~~consider setting~~ set the
3 sheriff's salary so that it is comparable to salaries paid
4 to professional law enforcement administrators and command
5 officers of the state patrol, the division of criminal
6 investigation of the department of public safety, and city
7 ~~police agencies in this state~~ chiefs employed by cities of
8 similar population to the population of the county. The county
9 compensation board shall prepare a compensation schedule for
10 the elective county officers for the succeeding fiscal year. A
11 recommended compensation schedule requires a majority vote of
12 the membership of the county compensation board.>

13 2. Title page, by striking line 1 and inserting <An Act
14 relating to public records including confidentiality, access,
15 and enforcement of public violations; uniform commercial
16 code filings; certain employment matters including benefits,
17 workers' compensation, civil service examinations, and sheriff
18 salaries; qualified immunity; law enforcement including officer
19 rights, eluding law enforcement, and the carrying of firearms;
20 assaults involving lasers; the enforcement of laws; public
21 disorder, assault, harassment, criminal mischief, unlawful
22 obstruction of certain highways, and disorderly conduct;
23 civil liability for certain vehicle operators; and window
24 tinting; and providing penalties and including effective date
25 provisions.>

By KLEIN of Washington

H-1342 FILED APRIL 2, 2021

SENATE FILE 356

H-1337

- 1 Amend Senate File 356, as passed by the Senate, as follows:
- 2 1. Page 3, by striking lines 9 through 12.
- 3 2. Page 3, line 13, by striking <(3)> and inserting <(1)>
- 4 3. Page 3, line 14, by striking <(4)> and inserting <(2)>
- 5 4. Page 4, by striking lines 3 and 4 and inserting:
- 6 <*b.* Edible or ornamental produce, including but not limited
- 7 to fruit such as apples, cherries, peaches, pears, berries, and
- 8 grapes; vegetables such as asparagus, broccoli, and carrots;
- 9 lentils; tubers; squashes and pumpkins; gourds; and flowers.>

By COMMITTEE ON AGRICULTURE
PAUSTIAN of Scott, Chairperson

H-1337 FILED APRIL 2, 2021

SENATE FILE 443

H-1338

1 Amend Senate File 443, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 455E.11, subsection 2, paragraph a,
5 subparagraph (1), subparagraph division (d), Code 2021, is
6 amended to read as follows:

7 (d) ~~Not more than four hundred thousand dollars to~~ To
8 the department for purposes of providing funding assistance
9 to eligible communities to address abandoned buildings by
10 promoting waste abatement, diversion, selective dismantlement
11 of building components, and recycling. Eligible communities
12 include a city with a population of five thousand or fewer,
13 except that eligible communities include a city with a
14 population of seven thousand five hundred or fewer if the
15 amount allocated for purposes of this subparagraph division
16 exceeds four hundred thousand dollars. Eligible costs for
17 program assistance include but are not limited to asbestos
18 and other hazardous material abatement and removal, the
19 recovery processing of recyclable or reusable material through
20 the selective dismantlement of abandoned buildings, and
21 reimbursement for purchased recycled content materials used in
22 the renovation of buildings.>

By COMMITTEE ON LOCAL GOVERNMENT
BLOOMINGDALE of Worth, Chairperson

H-1338 FILED APRIL 2, 2021

H-1341

1 Amend Senate File 476, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

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

9 **9E.1 Purpose.**

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

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

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

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

34 ~~(2) An adult, a minor, or an incapacitated person as defined~~
35 ~~in section 633.701.~~

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

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

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

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

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

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

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

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

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

30 NEW SUBSECTION. 4A. Upon request by a program participant,
31 the assessor or the assessor's staff shall redact the
32 requestor's name contained in electronic documents that
33 are displayed for public access through an internet site.
34 The assessor shall implement and maintain a process to
35 facilitate these requests. A fee shall not be charged for the

1 administration of this paragraph.

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

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

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

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

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

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

35 (4) The county assessor and the county recorder shall

1 implement and maintain a process to facilitate requests
2 pursuant to this paragraph.

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

5 DIVISION II

6 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

7 Sec. 8. Section 554.9510, subsection 1, Code 2021, is
8 amended to read as follows:

9 1. *Filed record effective if authorized.* A filed record
10 is effective only to the extent that it was filed by a person
11 that may file it under section 554.9509 or by the filing office
12 under section 554.9513A.

13 Sec. 9. NEW SECTION. **554.9513A Termination of wrongfully**
14 **filed financing statement — reinstatement.**

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

17 a. Regularly causes records to be communicated to the
18 filing office for filing and has provided the filing office
19 with current contact information and information sufficient to
20 establish the person’s identity.

21 b. Satisfies either of the following conditions:

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

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

27 2. *Affidavit of wrongful filing.* A person identified as
28 debtor in a filed financing statement may deliver to the
29 filing office a notarized, sworn affidavit that identifies the
30 financing statement by file number, indicates the affiant’s
31 mailing address, and states that the affiant believes that
32 the filed record identifying the affiant as debtor was not
33 authorized to be filed and was caused to be communicated to the
34 filing office with the intent to harass or defraud the affiant.
35 The filing office may reject an affidavit that is incomplete or

1 that it believes was delivered to it with the intent to harass
2 or defraud the secured party. The office of the secretary
3 of state shall adopt a form of affidavit for use under this
4 section.

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

15 4. *No fee charged or refunded.* The filing office shall not
16 charge a fee for the filing of an affidavit under subsection
17 2 or a termination statement under subsection 3. The filing
18 office shall not return any fee paid for filing the financing
19 statement identified in the affidavit, whether or not the
20 financing statement is reinstated under subsection 7.

21 5. *Notice of termination statement.* On the same day that a
22 filing office files a termination statement under subsection
23 3, the filing office shall send to the secured party of record
24 for the financing statement to which the termination statement
25 relates a notice stating that the termination statement
26 has been filed and will become effective ninety days after
27 filing. The notice shall be sent by certified mail, return
28 receipt requested, to the address provided for the secured
29 party of record in the financing statement with a copy sent by
30 electronic mail to the electronic mail address provided by the
31 secured party of record, if any.

32 6. *Administrative review — action for reinstatement.* A
33 secured party that believes in good faith that the filed record
34 identified in an affidavit delivered to the filing office under
35 subsection 2 was authorized to be filed and was not caused to

1 be communicated to the filing office with the intent to harass
2 or defraud the affiant may:

3 *a.* Before the termination statement takes effect, request
4 that the filing office conduct an expedited review of the
5 filed record and any documentation provided by the secured
6 party. The filing office may as a result of this review remove
7 from the record the termination statement filed by it under
8 subsection 3 before the termination statement takes effect and
9 conduct an administrative review under subsection 11.

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

21 7. *Filing office to file notice of action for*
22 *reinstatement.* Within ten days after being served with process
23 in an action under subsection 6, the filing office shall file
24 a notice indicating that the action has been commenced. The
25 notice must indicate the file number of the initial financing
26 statement to which the notice relates.

27 8. *Action for reinstatement successful.* If, in an action
28 under subsection 6, the court determines that the financing
29 statement was authorized to be filed and was not caused to be
30 communicated to the filing office with the intent to harass or
31 defraud the affiant, the court shall order that the financing
32 statement be reinstated. If an order of reinstatement is
33 issued by the court, the filing office shall promptly file a
34 record that identifies by its file number the initial financing
35 statement to which the record relates and indicates that the

1 financing statement has been reinstated.

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

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

23 11. *Procedure for record filed by trusted filer.* If an
24 affidavit delivered to a filing office under subsection 2
25 relates to a filed record communicated to the filing office by
26 a trusted filer, the filing office shall promptly send to the
27 secured party of record a notice stating that the affidavit has
28 been delivered to the filing office and that the filing office
29 is conducting an administrative review to determine whether the
30 record was caused to be communicated with the intent to harass
31 or defraud the affiant. The notice shall be sent by certified
32 mail, return receipt requested, to the address provided for
33 the secured party in the financing statement with a copy sent
34 by electronic mail to the electronic mail address provided
35 by the secured party of record, if any, and a copy shall be

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

13 **Sec. 10. NEW SECTION. 714.29 Records filed with intent to**
14 **harass or defraud.**

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

18 a. The person is not authorized to file the record under
19 section 554.9509.

20 b. The record is not related to an existing or anticipated
21 transaction that is or will be governed by chapter 554, article
22 9.

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

25 2. A person that violates subsection 1 is guilty of a simple
26 misdemeanor for a first offense and a serious misdemeanor for a
27 second or subsequent offense.

28 **DIVISION III**

29 **ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES**

30 **Sec. 11. NEW SECTION. 70A.23A Credit for accrued sick leave**
31 **— retired public safety employees.**

32 A public safety employee, as defined in section 20.3,
33 subsection 11, who retires and has applied for retirement
34 benefits under an eligible retirement system, shall receive
35 credit for all accumulated, unused sick leave which shall be

1 converted at current value and credited to an account for the
2 public safety employee for the purpose of paying the public
3 safety employee's cost of the monthly premiums for continuance
4 of the public safety employee's health insurance plan. Upon
5 the death of a retired public safety employee, the surviving
6 spouse or dependents shall be entitled to the value of the
7 accumulated unused sick leave for the purpose of paying the
8 cost of monthly premiums for continuation of a public safety
9 employee's health insurance policy for the public safety
10 employee's surviving spouse or dependents.

11 DIVISION IV

12 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

13 Sec. 12. Section 97A.6, subsection 11, Code 2021, is amended
14 to read as follows:

15 11. *Pensions offset by compensation benefits.*

16 a. Any amounts which may be paid or payable by the state
17 under the provisions of any workers' compensation or similar
18 law to a member or to the dependents of a member on account of
19 any disability or death, shall be offset against and payable
20 in lieu of any benefits payable out of the retirement fund
21 provided by the state under the provisions of this chapter on
22 account of the same disability or death. In case the present
23 value of the total commuted benefits under said workers'
24 compensation or similar law is less than the present value
25 of the benefits otherwise payable from the retirement fund
26 provided by the state under this chapter, then the present
27 value of the commuted payments shall be deducted from the
28 pension payable and such benefits as may be provided by the
29 system so reduced shall be payable under the provisions of this
30 chapter.

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

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

7 Sec. 13. Section 97B.50A, subsection 5, Code 2021, is
8 amended to read as follows:

9 5. *Offset to allowance.*

10 a. Notwithstanding any provisions to the contrary in state
11 law, or any applicable contract or policy, any amounts which
12 may be paid or payable by the employer under any workers'
13 compensation, unemployment compensation, employer-paid
14 disability plan, program, or policy, or other law to a member,
15 and any disability payments the member receives pursuant to
16 the federal Social Security Act, 42 U.S.C. §423 et seq.,
17 shall be offset against and payable in lieu of any retirement
18 allowance payable pursuant to this section on account of the
19 same disability.

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

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

31

DIVISION V

32

CIVIL SERVICE COMMISSION EXAMINATIONS

33

34

Sec. 14. Section 400.8, subsection 2, Code 2021, is amended
to read as follows:

35

2. The commission shall establish the guidelines for

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

11 Sec. 15. Section 400.9, subsection 2, Code 2021, is amended
12 to read as follows:

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

29

DIVISION VI

30 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

31 Sec. 16. Section 321.279, Code 2021, is amended to read as
32 follows:

33 **321.279 Eluding or attempting to elude pursuing law**
34 **enforcement vehicle.**

35 1. a. The driver of a motor vehicle commits a serious

1 misdemeanor if the driver willfully fails to bring the motor
2 vehicle to a stop or otherwise eludes or attempts to elude a
3 marked or unmarked official law enforcement vehicle driven by a
4 ~~uniformed~~ peace officer after being given a visual and audible
5 signal to stop. The signal given by the peace officer shall
6 be by flashing red light, or by flashing red and blue lights,
7 and siren. For purposes of this section, "peace officer" means
8 those officers designated under section 801.4, subsection 11,
9 paragraphs "a", "b", "c", "f", "g", and "h".

10 **b.** The driver of a motor vehicle who commits a second or
11 subsequent violation under this subsection is, upon conviction,
12 guilty of an aggravated misdemeanor.

13 **2. a.** The driver of a motor vehicle commits an aggravated
14 misdemeanor if the driver willfully fails to bring the motor
15 vehicle to a stop or otherwise eludes or attempts to elude a
16 marked or unmarked official law enforcement vehicle that is
17 driven by a ~~uniformed~~ peace officer after being given a visual
18 and audible signal as provided in this section and in doing so
19 exceeds the speed limit by twenty-five miles per hour or more.

20 **b.** The driver of a motor vehicle who commits a violation
21 under this subsection and who has previously committed a
22 violation under this subsection or subsection 3 is, upon
23 conviction, guilty of a class "D" felony.

24 **3. a.** The driver of a motor vehicle commits a class "D"
25 felony if the driver willfully fails to bring the motor vehicle
26 to a stop or otherwise eludes or attempts to elude a marked or
27 unmarked official law enforcement vehicle that is driven by a
28 ~~uniformed~~ peace officer after being given a visual and audible
29 signal as provided in this section, and in doing so exceeds the
30 speed limit by twenty-five miles per hour or more, and if any
31 of the following occurs:

32 (1) The driver is participating in a public offense, as
33 defined in section 702.13, that is a felony.

34 (2) The driver is in violation of section 321J.2.

35 (3) The driver is in violation of section 124.401.

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

3 b. The driver of a motor vehicle who commits a second or
4 subsequent violation under this subsection is, upon conviction,
5 guilty of a class "C" felony.

6 Sec. 17. NEW SECTION. 724.4D Authority to carry firearm
7 — peace officers.

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

10

DIVISION VII

11

ASSAULTS INVOLVING LASERS

12 Sec. 18. Section 708.1, subsection 2, Code 2021, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. d. (1) Intentionally points a laser
15 emitting a visible light beam at another person with the intent
16 to cause pain or injury to another. For purposes of this
17 paragraph, "laser" means a device that emits a visible light
18 beam amplified by the stimulated emission of radiation and any
19 light which simulates the appearance of a laser.

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

21 (a) A law enforcement officer who uses a laser in
22 discharging or attempting to discharge the officer's official
23 duties.

24 (b) A health care professional who uses a laser in providing
25 services within the scope of practice of that professional or
26 any other person who is licensed or authorized by law to use a
27 laser or who uses a laser in the performance of the person's
28 official duties.

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

31

DIVISION VIII

32

ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY

33

CONDUCT

34 Sec. 19. Section 321.366, subsection 1, Code 2021, is
35 amended by adding the following new paragraph:

1 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other
2 pedestrian conveyance or be a pedestrian anywhere on a fully
3 controlled-access facility. For purposes of this paragraph,
4 "*pedestrian conveyance*" means any human-powered device by which
5 a pedestrian may move other than by walking or by which a
6 walking person may move another pedestrian, including but not
7 limited to strollers and wheelchairs.

8 Sec. 20. Section 708.3A, subsections 1, 2, 3, and 4, Code
9 2021, are amended to read as follows:

10 1. A person who commits an assault, as defined in section
11 708.1, against a peace officer, jailer, correctional staff,
12 member or employee of the board of parole, health care
13 provider, employee of the department of human services,
14 employee of the department of revenue, civilian employee of a
15 law enforcement agency, civilian employee of a fire department,
16 or fire fighter, whether paid or volunteer, with the knowledge
17 that the person against whom the assault is committed is a
18 peace officer, jailer, correctional staff, member or employee
19 of the board of parole, health care provider, employee of
20 the department of human services, employee of the department
21 of revenue, civilian employee of a law enforcement agency,
22 civilian employee of a fire department, or fire fighter and
23 with the intent to inflict a serious injury upon the peace
24 officer, jailer, correctional staff, member or employee of
25 the board of parole, health care provider, employee of the
26 department of human services, employee of the department
27 of revenue, civilian employee of a law enforcement agency,
28 civilian employee of a fire department, or fire fighter, is
29 guilty of a class "D" felony.

30 2. A person who commits an assault, as defined in section
31 708.1, against a peace officer, jailer, correctional staff,
32 member or employee of the board of parole, health care
33 provider, employee of the department of human services,
34 employee of the department of revenue, civilian employee of a
35 law enforcement agency, civilian employee of a fire department,

1 or fire fighter, whether paid or volunteer, who knows that
2 the person against whom the assault is committed is a peace
3 officer, jailer, correctional staff, member or employee of
4 the board of parole, health care provider, employee of the
5 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 and
8 who uses or displays a dangerous weapon in connection with the
9 assault, is guilty of a class "D" felony.

10 3. A person who commits an assault, as defined in section
11 708.1, against a peace officer, jailer, correctional staff,
12 member or employee of the board of parole, health care
13 provider, employee of the department of human services,
14 employee of the department of revenue, civilian employee of a
15 law enforcement agency, civilian employee of a fire department,
16 or fire fighter, whether paid or volunteer, who knows that
17 the person against whom the assault is committed is a peace
18 officer, jailer, correctional staff, member or employee of
19 the board of parole, health care provider, employee of the
20 department of human services, employee of the department
21 of revenue, civilian employee of a law enforcement agency,
22 civilian employee of a fire department, or fire fighter, and
23 who causes bodily injury or mental illness, is guilty of an
24 aggravated misdemeanor.

25 4. Any other assault, as defined in section 708.1, committed
26 against a peace officer, jailer, correctional staff, member
27 or employee of the board of parole, health care provider,
28 employee of the department of human services, employee of the
29 department of revenue, civilian employee of a law enforcement
30 agency, civilian employee of a fire department, or fire
31 fighter, whether paid or volunteer, by a person who knows
32 that the person against whom the assault is committed is a
33 peace officer, jailer, correctional staff, member or employee
34 of the board of parole, health care provider, employee of
35 the department of human services, employee of the department

1 of revenue, civilian employee of a law enforcement agency,
2 civilian employee of a fire department, or fire fighter, is a
3 serious misdemeanor.

4 Sec. 21. Section 708.7, subsection 2, paragraph a, Code
5 2021, is amended by adding the following new subparagraph:

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

9 Sec. 22. Section 716.4, subsection 1, Code 2021, is amended
10 to read as follows:

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

13 a. The cost of replacing, repairing, or restoring the
14 property that is damaged, defaced, altered, or destroyed
15 exceeds one thousand five hundred dollars but does not exceed
16 ten thousand dollars.

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

23 Sec. 23. Section 723.4, Code 2021, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **723.4 Disorderly conduct.**

26 1. A person commits a simple misdemeanor when the person
27 does any of the following:

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

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

35 c. Directs abusive epithets or makes any threatening gesture

1 which the person knows or reasonably should know is likely to
2 provoke a violent reaction by another.

3 *d.* Without lawful authority or color of authority, the
4 person disturbs any lawful assembly or meeting of persons by
5 conduct intended to disrupt the meeting or assembly.

6 *e.* By words or action, initiates or circulates a report or
7 warning of fire, epidemic, or other catastrophe, knowing such
8 report to be false or such warning to be baseless.

9 *f.* (1) Knowingly and publicly uses the flag of the United
10 States in such a manner as to show disrespect for the flag as
11 a symbol of the United States, with the intent or reasonable
12 expectation that such use will provoke or encourage another to
13 commit trespass or assault.

14 (2) As used in this paragraph:

15 (a) "*Deface*" means to intentionally mar the external
16 appearance.

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

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

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

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

24 (f) "*Trample*" means to intentionally tread upon or
25 intentionally cause a machine, vehicle, or animal to tread
26 upon.

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

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

33 3. A person commits an aggravated misdemeanor when the
34 person commits disorderly conduct as described in subsection 2
35 and does any of the following:

1 skin color, language spoken, or national origin while enforcing
2 state, local, and municipal laws except to the extent permitted
3 by the Constitution of the United States or the Constitution of
4 the State of Iowa.

5 Sec. 27. NEW SECTION. 27B.4 Complaints — notification —
6 civil action.

7 1. Any person may file a complaint with the attorney general
8 alleging that a local entity has violated or is violating
9 this chapter if the person offers evidence to support such an
10 allegation. The person shall include with the complaint any
11 evidence the person has in support of the complaint.

12 2. A local entity for which the attorney general has
13 received a complaint pursuant to this section shall comply
14 with any document requests, including a request for supporting
15 documents, from the attorney general relating to the complaint.

16 3. A complaint filed pursuant to subsection 1 shall not be
17 valid unless the attorney general determines that a violation
18 of this chapter by a local entity was intentional.

19 4. If the attorney general determines that a complaint filed
20 pursuant to this section against a local entity is valid, the
21 attorney general, not later than ten days after the date of
22 such a determination, shall provide written notification to the
23 local entity by certified mail, with return receipt requested,
24 stating all of the following:

25 a. A complaint pursuant to this section has been filed and
26 the grounds for the complaint.

27 b. The attorney general has determined that the complaint is
28 valid.

29 c. The attorney general is authorized to file a civil
30 action in district court pursuant to subsection 6 to enjoin a
31 violation of this chapter no later than forty days after the
32 date on which the notification is received if the local entity
33 does not come into compliance with the requirements of this
34 chapter.

35 d. The local entity and any entity that is under the

1 jurisdiction of the local entity will be denied state funds
2 pursuant to section 27B.5 for the state fiscal year following
3 the year in which a final judicial determination in a civil
4 action brought under this section is made.

5 5. No later than thirty days after the date on which a local
6 entity receives written notification under subsection 4, the
7 local entity shall provide the attorney general with all of the
8 following:

9 a. Copies of all of the local entity's written policies
10 relating to the complaint.

11 b. A description of all actions the local entity has taken
12 or will take to correct any violations of this chapter.

13 c. If applicable, any evidence that would refute the
14 allegations made in the complaint.

15 6. No later than forty days after the date on which the
16 notification pursuant to subsection 4 is received, the attorney
17 general shall file a civil action in district court to enjoin
18 any ongoing violation of this chapter by a local entity.

19 Sec. 28. NEW SECTION. **27B.5 Denial of state funds.**

20 1. Notwithstanding any other provision of law to the
21 contrary, a local entity, including any entity under the
22 jurisdiction of the local entity, shall be ineligible to
23 receive any state funds if the local entity intentionally
24 violates this chapter.

25 2. State funds shall be denied to a local entity pursuant
26 to subsection 1 by all state agencies for each state fiscal
27 year that begins after the date on which a final judicial
28 determination that the local entity has intentionally violated
29 this chapter is made in a civil action brought pursuant to
30 section 27B.4, subsection 6. State funds shall continue
31 to be denied until eligibility to receive state funds is
32 reinstated under section 27B.6. However, any state funds for
33 the provision of wearable body protective gear used for law
34 enforcement purposes shall not be denied under this section.

35 3. The department of management shall adopt rules pursuant

1 to chapter 17A to implement this section and section 27B.6
2 uniformly across state agencies from which state funds are
3 distributed to local entities.

4 Sec. 29. NEW SECTION. **27B.6 Reinstatement of eligibility**
5 **to receive state funds.**

6 1. Except as provided by subsection 5, no earlier than
7 ninety days after the date of a final judicial determination
8 that a local entity has intentionally violated the provisions
9 of this chapter, the local entity may petition the district
10 court that heard the civil action brought pursuant to section
11 27B.4, subsection 6, to seek a declaratory judgment that the
12 local entity is in full compliance with this chapter.

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

17 3. If the court issues a declaratory judgment declaring that
18 the local entity is in full compliance with this chapter, the
19 local entity's eligibility to receive state funds is reinstated
20 beginning on the first day of the month following the date on
21 which the declaratory judgment is issued.

22 4. A local entity shall not petition the court as described
23 in subsection 1 more than twice in one twelve-month period.

24 5. A local entity may petition the court as described in
25 subsection 1 before the date provided in subsection 1 if the
26 person who was the director or other chief officer of the
27 local entity at the time of the violation of this chapter is
28 subsequently removed from or otherwise leaves office.

29 6. A party shall not be entitled to recover any attorney
30 fees in a civil action described by subsection 1.

31 Sec. 30. NEW SECTION. **27B.7 Attorney general database.**

32 The attorney general shall develop and maintain a searchable
33 database listing each local entity for which a final judicial
34 determination described in section 27B.5, subsection 2, has
35 been made. The attorney general shall post the database on the

1 attorney general's internet site.

2

DIVISION X

3

QUALIFIED IMMUNITY

4

Sec. 31. NEW SECTION. **669.14A Qualified immunity.**

5

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

9 *a.* The right, privilege, or immunity secured by law was not
10 clearly established at the time of the alleged deprivation,
11 or at the time of the alleged deprivation the state of the
12 law was not sufficiently clear that every reasonable employee
13 would have understood that the conduct alleged constituted a
14 violation of law.

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

19 2. The state or a state agency shall not be liable for
20 any claim brought under this chapter where the employee
21 was determined to be protected by qualified immunity under
22 subsection 1.

23 3. A plaintiff who brings a claim under this chapter
24 alleging a violation of the law must state with particularity
25 the circumstances constituting the violation and that the law
26 was clearly established at the time of the alleged violation.
27 Failure to plead a plausible violation or failure to plead that
28 the law was clearly established at the time of the alleged
29 violation shall result in dismissal with prejudice.

30 4. Any decision by the district court denying qualified
31 immunity shall be immediately appealable.

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

34 Sec. 32. NEW SECTION. **669.26 Money damages — nonwaiver**
35 **of rights.**

1 This chapter shall not be construed to be a waiver of
2 sovereign immunity for a claim for money damages under the
3 Constitution of the State of Iowa.

4 Sec. 33. NEW SECTION. **670.4A Qualified immunity.**

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

9 a. The right, privilege, or immunity secured by law was not
10 clearly established at the time of the alleged deprivation,
11 or at the time of the alleged deprivation the state of the
12 law was not sufficiently clear that every reasonable employee
13 would have understood that the conduct alleged constituted a
14 violation of law.

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

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

22 3. A plaintiff who brings a claim under this chapter
23 alleging a violation of the law must state with particularity
24 the circumstances constituting the violation and that the law
25 was clearly established at the time of the alleged violation.
26 Failure to plead a plausible violation or failure to plead that
27 the law was clearly established at the time of the alleged
28 violation shall result in dismissal with prejudice.

29 4. Any decision by the district court denying qualified
30 immunity shall be immediately appealable.

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

33 Sec. 34. NEW SECTION. **670.14 Money damages — nonwaiver**
34 **of rights.**

35 This chapter shall not be construed to be a waiver of

1 sovereign immunity for a claim for money damages under the
2 Constitution of the State of Iowa.

3 Sec. 35. EFFECTIVE DATE. This division of this Act, being
4 deemed of immediate importance, takes effect upon enactment.

5 DIVISION XI

6 PUBLIC DISORDER

7 Sec. 36. Section 723.1, Code 2021, is amended to read as
8 follows:

9 **723.1 Riot.**

10 A riot is three or more persons assembled together in a
11 violent and disturbing manner, ~~to the disturbance of others,~~
12 and with any use of unlawful force or violence by them or any
13 of them against another person, or causing property damage.
14 A person who willingly joins in or remains a part of a riot,
15 knowing or having reasonable grounds to believe that it is
16 such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

17 Sec. 37. Section 723.2, Code 2021, is amended to read as
18 follows:

19 **723.2 Unlawful assembly.**

20 An unlawful assembly is three or more persons assembled
21 together, with them or any of them acting in a violent manner,
22 and with intent that they or any of them will commit a public
23 offense. A person who willingly joins in or remains a part
24 of an unlawful assembly, or who joined a lawful assembly but
25 willingly remains after the assembly becomes unlawful, knowing
26 or having reasonable grounds to believe that it is such,
27 commits ~~a simple~~ an aggravated misdemeanor.

28 DIVISION XII

29 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF

30 RIGHTS

31 Sec. 38. Section 80F.1, subsection 1, paragraph a, Code
32 2021, is amended to read as follows:

33 a. "*Complaint*" means a formal written allegation signed
34 by the complainant or a signed written statement by an
35 officer receiving an oral complaint stating the complainant's

1 allegation.

2 Sec. 39. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,
3 Code 2021, are amended to read as follows:

4 3. A formal administrative investigation of an officer
5 shall be commenced and completed in a reasonable period of time
6 ~~and an.~~ An officer shall be immediately notified in writing
7 of the results of the investigation when the investigation is
8 completed.

9 5. An officer who is the subject of a complaint, shall at a
10 minimum, be provided a written summary of the complaint prior
11 to an interview. If a collective bargaining agreement applies,
12 the complaint or written summary shall be provided pursuant
13 to the procedures established under the collective bargaining
14 agreement. If the complaint alleges domestic abuse, sexual
15 abuse, workplace harassment, or sexual harassment, an officer
16 shall not receive more than a written summary of the complaint.

17 8. a. The officer shall have the right to have the
18 assistance of legal counsel present, at the officer's expense,
19 during the interview of the officer and during hearings or
20 other disciplinary or administrative proceedings relating
21 to the complaint. In addition, the officer shall have the
22 right, at the officer's expense, to have a union representative
23 present during the interview or, if not a member of a union,
24 the officer shall have the right to have a designee present.

25 b. The officer's legal counsel, union representative, or
26 employee representative shall not be compelled to disclose in
27 any judicial proceeding, nor be subject to any investigation
28 or punitive action for refusing to disclose, any information
29 received from an officer under investigation or from an
30 agent of the officer, so long as the officer or agent of the
31 officer is an uninvolved party and not considered a witness
32 to any incident. The officer's legal counsel may coordinate
33 and communicate in confidence with the officer's designated
34 union representative or employee representative, and such
35 communications are not subject to discovery in any proceeding.

1 9. If a formal administrative investigation results in
2 the removal, discharge, or suspension, or other disciplinary
3 action against an officer, copies of any witness statements
4 and the complete investigative agency's report shall be timely
5 provided to the officer upon the request of the officer or the
6 officer's legal counsel upon request at the completion of the
7 investigation.

8 13. An officer shall have the right to ~~pursue civil remedies~~
9 ~~under the law~~ bring a cause of action against a citizen any
10 person, group of persons, organization, or corporation for
11 damages arising from the filing of a false complaint against
12 the officer or any other violation of this chapter including
13 but not limited to actual damages, court costs, and reasonable
14 attorney fees.

15 18. A municipality, county, or state agency employing
16 an officer shall not publicly release the officer's official
17 photograph without the written permission of the officer or
18 without a request to release pursuant to chapter 22. An
19 officer's personal information including but not limited to the
20 officer's home address, personal telephone number, personal
21 electronic mail address, date of birth, social security number,
22 and driver's license number shall be confidential and shall be
23 redacted from any record prior to the record's release to the
24 public by the employing agency. Nothing in this subsection
25 prohibits the release of an officer's photograph or unredacted
26 personal information to the officer's legal counsel, union
27 representative, or designated employee representative upon the
28 officer's request.

29 Sec. 40. Section 80F.1, Code 2021, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 20. The employing agency shall keep
32 an officer's statement, recordings, or transcripts of any
33 interviews or disciplinary proceedings, and any complaints
34 made against an officer confidential unless otherwise provided
35 by law or with the officer's written consent. Nothing in

1 this section prohibits the release of an officer's statement,
2 recordings, or transcripts of any interviews or disciplinary
3 proceedings, and any complaints made against an officer to
4 the officer or the officer's legal counsel upon the officer's
5 request.

6 NEW SUBSECTION. 21. An agency employing full-time or
7 part-time officers shall provide training to any officer or
8 supervisor who performs or supervises an investigation under
9 this section, and shall maintain documentation of any training
10 related to this section. The Iowa law enforcement academy
11 shall adopt minimum training standards not inconsistent with
12 this subsection, including training standards concerning
13 interviewing an officer subject to a complaint.

14 NEW SUBSECTION. 22. Upon written request, the employing
15 agency shall provide to the requesting officer or the officer's
16 legal counsel a copy of the officer's personnel file and
17 training records regardless of whether the officer is subject
18 to a formal administrative investigation at the time of the
19 request.

20 DIVISION XIII

21 CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

22 Sec. 41. NEW SECTION. 321.366A Immunity from civil
23 liability for certain vehicle operators.

24 1. The driver of a vehicle who is exercising due care and
25 who injures another person who is participating in a protest,
26 demonstration, riot, or unlawful assembly or who is engaging in
27 disorderly conduct and is blocking traffic in a public street
28 or highway shall be immune from civil liability for the injury
29 caused by the driver of the vehicle.

30 2. The driver of a vehicle who injures another person
31 who is participating in a protest, demonstration, riot, or
32 unlawful assembly or who is engaging in disorderly conduct and
33 is blocking traffic in a public street or highway shall not
34 be immune from civil liability if the actions leading to the
35 injury caused by the driver of a vehicle constitute reckless

1 or willful misconduct.

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

6 DIVISION XIV

7 WINDOW TINTING

8 Sec. 42. Section 321.438, subsection 2, Code 2021, is
9 amended to read as follows:

10 2. A person shall not operate on the highway a motor
11 vehicle equipped with a front windshield, a side window to the
12 immediate right or left of the driver, or a ~~side-wing~~ sidewing
13 forward of and to the left or right of the driver which is
14 excessively dark or reflective so that it is difficult for a
15 person outside the motor vehicle to see into the motor vehicle
16 through the windshield, window, or sidewing.

17 a. The department shall adopt rules establishing a minimum
18 measurable standard of transparency which shall apply to
19 violations of this subsection.

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

24 DIVISION XV

25 SHERIFF SALARIES

26 Sec. 43. Section 331.907, subsection 1, Code 2021, is
27 amended to read as follows:

28 1. The annual compensation of the auditor, treasurer,
29 recorder, sheriff, county attorney, and supervisors shall
30 be determined as provided in this section. The county
31 compensation board annually shall review the compensation
32 paid to comparable officers in other counties of this
33 state, other states, private enterprise, and the federal
34 government. In setting the salary of the county sheriff,
35 the county compensation board shall ~~consider-setting~~ set the

H-1341 (Continued)

1 sheriff's salary so that it is comparable to salaries paid
2 to professional law enforcement administrators and command
3 officers of the state patrol, the division of criminal
4 investigation of the department of public safety, and city
5 ~~police agencies in this state~~ chiefs employed by cities of
6 similar population to the population of the county. The county
7 compensation board shall prepare a compensation schedule for
8 the elective county officers for the succeeding fiscal year. A
9 recommended compensation schedule requires a majority vote of
10 the membership of the county compensation board.>

11 2. Title page, by striking lines 1 through 6 and inserting
12 <An Act relating to public records including confidentiality,
13 access, and enforcement of public violations; uniform
14 commercial code filings; certain employment matters including
15 benefits, workers' compensation, civil service examinations,
16 and sheriff salaries; qualified immunity; law enforcement
17 including officer rights, eluding law enforcement, and
18 the carrying of firearms; assaults involving lasers; the
19 enforcement of laws; public disorder, assault, harassment,
20 criminal mischief, unlawful obstruction of certain highways,
21 and disorderly conduct; civil liability for certain vehicle
22 operators; and window tinting; and providing penalties and
23 including effective date provisions.>

By KLEIN of Washington

H-1341 FILED APRIL 2, 2021

SENATE FILE 487

H-1339

- 1 Amend Senate File 487, as amended, passed, and reprinted by
2 the Senate, as follows:
- 3 1. Page 2, by striking line 9 and inserting <restrictive
4 method of regulation>
 - 5 2. By striking page 2, line 22, through page 7, line 4.
 - 6 3. Page 8, by striking lines 11 through 17.
 - 7 4. Page 8, line 20, by striking <1, 2, and 3> and inserting
8 <1 and 2>
 - 9 5. Page 13, by striking line 32.
 - 10 6. Page 15, by striking lines 1 through 4.
 - 11 7. By striking page 15, line 26, through page 19, line 27.
 - 12 8. By renumbering, redesignating, and correcting internal
13 references as necessary.

By COMMITTEE ON STATE GOVERNMENT
KAUFMANN of Cedar, Chairperson

H-1339 FILED APRIL 2, 2021