

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

**April 5, 2021**

**Clip Sheet Summary**

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

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">HF 698</a> .....	<a href="#">H-1344</a> .....		KLEIN of Washington
<a href="#">SF 342</a> .....	<a href="#">H-1343</a> .....	Filed	KLEIN of Washington
<a href="#">SF 342</a> .....	<a href="#">H-1346</a> .....	Filed	KONFRST of Polk
<a href="#">SF 466</a> .....	<a href="#">H-1347</a> .....		MASCHER of Johnson
<a href="#">SF 466</a> .....	<a href="#">H-1348</a> .....		ABDUL-SAMAD of Polk, et al
<a href="#">SF 476</a> .....	<a href="#">H-1345</a> .....		KLEIN of Washington

**Fiscal Notes**

[SF 576](#) — [Trigger Repeal and Inheritance Tax](#) (LSB2794SV.1)

HOUSE FILE 698

H-1344

1 Amend the amendment, H-1340, to House File 698, as follows:

2 1. Page 1, by striking lines 1 through 29 and inserting:

3 <Amend House File 698 as follows:

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

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

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

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

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

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

30 Sec. 3. BRADY LIST INTERIM COMMITTEE.

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

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

1 defined in section 80F.1.

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

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

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

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

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

H-1344 (Continued)

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

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

By KLEIN of Washington

[H-1344](#) FILED APRIL 5, 2021

SENATE FILE 342

H-1343

1 Amend the House amendment, H-1342, to Senate File 342, as  
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 29, line 25, and  
4 inserting:

5 <Amend Senate File 342, as passed by the Senate, as follows:

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

8

<DIVISION I

9

PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

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

12 **9E.1 Purpose.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 DIVISION II

9 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

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

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

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

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

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

24 b. Satisfies either of the following conditions:

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

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

30 2. *Affidavit of wrongful filing.* A person identified as  
31 debtor in a filed financing statement may deliver to the  
32 filing office a notarized, sworn affidavit that identifies the  
33 financing statement by file number, indicates the affiant’s  
34 mailing address, and states that the affiant believes that  
35 the filed record identifying the affiant as debtor was not

1 authorized to be filed and was caused to be communicated to the  
2 filing office with the intent to harass or defraud the affiant.  
3 The filing office may reject an affidavit that is incomplete or  
4 that it believes was delivered to it with the intent to harass  
5 or defraud the secured party. The office of the secretary  
6 of state shall adopt a form of affidavit for use under this  
7 section.

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

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

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

35     6. *Administrative review — action for reinstatement.* A

1 secured party that believes in good faith that the filed record  
2 identified in an affidavit delivered to the filing office under  
3 subsection 2 was authorized to be filed and was not caused to  
4 be communicated to the filing office with the intent to harass  
5 or defraud the affiant may:

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

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

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

30     8. *Action for reinstatement successful.* If, in an action  
31 under subsection 6, the court determines that the financing  
32 statement was authorized to be filed and was not caused to be  
33 communicated to the filing office with the intent to harass or  
34 defraud the affiant, the court shall order that the financing  
35 statement be reinstated. If an order of reinstatement is

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

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

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

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

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

16 Sec. 10. NEW SECTION. 714.29 **Records filed with intent to**  
17 **harass or defraud.**

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

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

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

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

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

31 DIVISION III

32 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

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

35 A public safety employee, as defined in section 20.3,

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

17 DIVISION IV

18 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

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

21 11. *Pensions offset by compensation benefits.*

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

1 chapter.

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

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

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

15 5. *Offset to allowance.*

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

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

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

1 account of the same disability.

2 DIVISION V

3 CIVIL SERVICE COMMISSION EXAMINATIONS

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

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

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

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

35 DIVISION VI

1 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

2 Sec. 16. Section 321.279, Code 2021, is amended to read as  
3 follows:

4 **321.279 Eluding or attempting to elude pursuing law  
5 enforcement vehicle.**

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

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

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

26 *b.* The driver of a motor vehicle who commits a violation  
27 under this subsection and who has previously committed a  
28 violation under this subsection or subsection 3 is, upon  
29 conviction, guilty of a class "D" felony.

30 3. *a.* The driver of a motor vehicle commits a class "D"  
31 felony if the driver willfully fails to bring the motor vehicle  
32 to a stop or otherwise eludes or attempts to elude a marked or  
33 unmarked official law enforcement vehicle that is driven by a  
34 ~~uniformed~~ peace officer after being given a visual and audible  
35 signal as provided in this section, and in doing so exceeds the

1 speed limit by twenty-five miles per hour or more, and if any  
2 of the following occurs:

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

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

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

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

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

12 Sec. 17. NEW SECTION. 724.4D Authority to carry firearm  
13 — peace officers.

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

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

18 DIVISION VII

19 ASSAULTS INVOLVING LASERS

20 Sec. 19. Section 708.1, subsection 2, Code 2021, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. d. (1) Intentionally points a laser  
23 emitting a visible light beam at another person with the intent  
24 to cause pain or injury to another. For purposes of this  
25 paragraph, "laser" means a device that emits a visible light  
26 beam amplified by the stimulated emission of radiation and any  
27 light which simulates the appearance of a laser.

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

29 (a) A law enforcement officer who uses a laser in  
30 discharging or attempting to discharge the officer's official  
31 duties.

32 (b) A health care professional who uses a laser in providing  
33 services within the scope of practice of that professional or  
34 any other person who is licensed or authorized by law to use a  
35 laser or who uses a laser in the performance of the person's

1 official duties.

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

4 Sec. 20. EFFECTIVE DATE. This division of this Act, being  
5 deemed of immediate importance, takes effect upon enactment.

6

DIVISION VIII

7 ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY  
8 CONDUCT

9 Sec. 21. Section 321.366, subsection 1, Code 2021, is  
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other  
12 pedestrian conveyance or be a pedestrian anywhere on a fully  
13 controlled-access facility. For purposes of this paragraph,  
14 "*pedestrian conveyance*" means any human-powered device by which  
15 a pedestrian may move other than by walking or by which a  
16 walking person may move another pedestrian, including but not  
17 limited to strollers and wheelchairs.

18 Sec. 22. Section 708.3A, subsections 1, 2, 3, and 4, Code  
19 2021, are amended to read as follows:

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

1 department of human services, employee of the department  
2 of revenue, civilian employee of a law enforcement agency,  
3 civilian employee of a fire department, or fire fighter, is  
4 guilty of a class "D" felony.

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

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

35 4. Any other assault, as defined in section 708.1, committed

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

14 Sec. 23. Section 708.7, subsection 2, paragraph a, Code  
15 2021, is amended by adding the following new subparagraph:

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

19 Sec. 24. Section 716.4, subsection 1, Code 2021, is amended  
20 to read as follows:

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

23 a. The cost of replacing, repairing, or restoring the  
24 property that is damaged, defaced, altered, or destroyed  
25 exceeds one thousand five hundred dollars but does not exceed  
26 ten thousand dollars.

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

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

35 **723.4 Disorderly conduct.**

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

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

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

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

13 d. Without lawful authority or color of authority, the  
14 person disturbs any lawful assembly or meeting of persons by  
15 conduct intended to disrupt the meeting or assembly.

16 e. By words or action, initiates or circulates a report or  
17 warning of fire, epidemic, or other catastrophe, knowing such  
18 report to be false or such warning to be baseless.

19 f. (1) Knowingly and publicly uses the flag of the United  
20 States in such a manner as to show disrespect for the flag as  
21 a symbol of the United States, with the intent or reasonable  
22 expectation that such use will provoke or encourage another to  
23 commit trespass or assault.

24 (2) As used in this paragraph:

25 (a) "*Deface*" means to intentionally mar the external  
26 appearance.

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

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

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

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

34 (f) "*Trample*" means to intentionally tread upon or  
35 intentionally cause a machine, vehicle, or animal to tread

1 upon.

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

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

8 3. A person commits an aggravated misdemeanor when the  
9 person commits disorderly conduct as described in subsection 2  
10 and does any of the following:

11 a. Obstructs or attempts to obstruct a fully  
12 controlled-access facility on a highway, street, or road in  
13 which the speed restriction is controlled by section 321.285,  
14 subsection 3, or section 321.285, subsection 5.

15 b. Commits property damage.

16 c. Is present during an unlawful assembly as defined in  
17 section 723.2.

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

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

22 b. Causes bodily injury.

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

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

28 DIVISION IX

29 ENFORCEMENT OF LAWS

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

31 1. "Local entity" means the governing body of a city or  
32 county. "Local entity" includes an officer or employee of a  
33 local entity or a division, department, or other body that is  
34 part of a local entity, including but not limited to a sheriff,  
35 police department, city attorney, or county attorney.

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

4       Sec. 28. NEW SECTION. **27B.2 Restriction on enforcement of**  
5 **state, local, and municipal law prohibited.**

6       A local entity or law enforcement department shall not  
7 adopt or enforce a policy or take any other action under which  
8 the local entity or law enforcement department prohibits or  
9 discourages the enforcement of state, local, or municipal laws.

10       Sec. 29. NEW SECTION. **27B.3 Discrimination prohibited.**

11       A local entity or a person employed by or otherwise under the  
12 direction or control of a local entity shall not consider race,  
13 skin color, language spoken, or national origin while enforcing  
14 state, local, and municipal laws except to the extent permitted  
15 by the Constitution of the United States or the Constitution of  
16 the State of Iowa.

17       Sec. 30. NEW SECTION. **27B.4 Complaints — notification —**  
18 **civil action.**

19       1. Any person may file a complaint with the attorney general  
20 alleging that a local entity has violated or is violating  
21 this chapter if the person offers evidence to support such an  
22 allegation. The person shall include with the complaint any  
23 evidence the person has in support of the complaint.

24       2. A local entity for which the attorney general has  
25 received a complaint pursuant to this section shall comply  
26 with any document requests, including a request for supporting  
27 documents, from the attorney general relating to the complaint.

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

31       4. If the attorney general determines that a complaint filed  
32 pursuant to this section against a local entity is valid, the  
33 attorney general, not later than ten days after the date of  
34 such a determination, shall provide written notification to the  
35 local entity by certified mail, with return receipt requested,

1 stating all of the following:

2     *a.* A complaint pursuant to this section has been filed and  
3 the grounds for the complaint.

4     *b.* The attorney general has determined that the complaint is  
5 valid.

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

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

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

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

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

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

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

31     Sec. 31. NEW SECTION. **27B.5 Denial of state funds.**

32     1. Notwithstanding any other provision of law to the  
33 contrary, a local entity, including any entity under the  
34 jurisdiction of the local entity, shall be ineligible to  
35 receive any state funds if the local entity intentionally

1 violates this chapter.

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

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

16     Sec. 32. NEW SECTION.   **27B.6 Reinstatement of eligibility**  
17 **to receive state funds.**

18     1. Except as provided by subsection 5, no earlier than  
19 ninety days after the date of a final judicial determination  
20 that a local entity has intentionally violated the provisions  
21 of this chapter, the local entity may petition the district  
22 court that heard the civil action brought pursuant to section  
23 27B.4, subsection 6, to seek a declaratory judgment that the  
24 local entity is in full compliance with this chapter.

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

29     3. If the court issues a declaratory judgment declaring that  
30 the local entity is in full compliance with this chapter, the  
31 local entity's eligibility to receive state funds is reinstated  
32 beginning on the first day of the month following the date on  
33 which the declaratory judgment is issued.

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

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

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

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

9 The attorney general shall develop and maintain a searchable  
10 database listing each local entity for which a final judicial  
11 determination described in section 27B.5, subsection 2, has  
12 been made. The attorney general shall post the database on the  
13 attorney general's internet site.

14

DIVISION X

15

QUALIFIED IMMUNITY

16 Sec. 34. NEW SECTION. **669.14A Qualified immunity.**

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

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

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

31 2. The state or a state agency shall not be liable for  
32 any claim brought under this chapter where the employee  
33 was determined to be protected by qualified immunity under  
34 subsection 1.

35 3. A plaintiff who brings a claim under this chapter

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

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

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

11 Sec. 35. NEW SECTION. **669.26 Money damages — nonwaiver**  
12 **of rights.**

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

16 Sec. 36. NEW SECTION. **670.4A Qualified immunity.**

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

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

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

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

34 3. A plaintiff who brings a claim under this chapter  
35 alleging a violation of the law must state with particularity

1 the circumstances constituting the violation and that the law  
2 was clearly established at the time of the alleged violation.  
3 Failure to plead a plausible violation or failure to plead that  
4 the law was clearly established at the time of the alleged  
5 violation shall result in dismissal with prejudice.

6 4. Any decision by the district court denying qualified  
7 immunity shall be immediately appealable.

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

10 Sec. 37. NEW SECTION. **670.14 Money damages — nonwaiver**  
11 **of rights.**

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

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

17 DIVISION XI

18 PUBLIC DISORDER

19 Sec. 39. Section 723.1, Code 2021, is amended to read as  
20 follows:

21 **723.1 Riot.**

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

29 Sec. 40. Section 723.2, Code 2021, is amended to read as  
30 follows:

31 **723.2 Unlawful assembly.**

32 An unlawful assembly is three or more persons assembled  
33 together, with them or any of them acting in a violent manner,  
34 and with intent that they or any of them will commit a public  
35 offense. A person who willingly joins in or remains a part

1 of an unlawful assembly, or who joined a lawful assembly but  
2 willingly remains after the assembly becomes unlawful, knowing  
3 or having reasonable grounds to believe that it is such,  
4 commits ~~a simple~~ an aggravated misdemeanor.

5 Sec. 41. EFFECTIVE DATE. This division of this Act, being  
6 deemed of immediate importance, takes effect upon enactment.

7 DIVISION XII

8 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF  
9 RIGHTS

10 Sec. 42. Section 80F.1, subsection 1, paragraph a, Code  
11 2021, is amended to read as follows:

12 a. "*Complaint*" means a formal written allegation signed  
13 by the complainant or a signed written statement by an  
14 officer receiving an oral complaint stating the complainant's  
15 allegation.

16 Sec. 43. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,  
17 Code 2021, are amended to read as follows:

18 3. A formal administrative investigation of an officer  
19 shall be commenced and completed in a reasonable period of time  
20 ~~and an.~~ An officer shall be immediately notified in writing  
21 of the results of the investigation when the investigation is  
22 completed.

23 5. An officer who is the subject of a complaint, shall at a  
24 minimum, be provided a written summary of the complaint prior  
25 to an interview. If a collective bargaining agreement applies,  
26 the complaint or written summary shall be provided pursuant  
27 to the procedures established under the collective bargaining  
28 agreement. If the complaint alleges domestic abuse, sexual  
29 abuse, workplace harassment, or sexual harassment, an officer  
30 shall not receive more than a written summary of the complaint.

31 8. a. The officer shall have the right to have the  
32 assistance of legal counsel present, at the officer's expense,  
33 during the interview of the officer and during hearings or  
34 other disciplinary or administrative proceedings relating  
35 to the complaint. In addition, the officer shall have the

1 right, at the officer's expense, to have a union representative  
2 present during the interview or, if not a member of a union,  
3 the officer shall have the right to have a designee present.

4 b. The officer's legal counsel, union representative, or  
5 employee representative shall not be compelled to disclose in  
6 any judicial proceeding, nor be subject to any investigation  
7 or punitive action for refusing to disclose, any information  
8 received from an officer under investigation or from an  
9 agent of the officer, so long as the officer or agent of the  
10 officer is an uninvolved party and not considered a witness  
11 to any incident. The officer's legal counsel may coordinate  
12 and communicate in confidence with the officer's designated  
13 union representative or employee representative, and such  
14 communications are not subject to discovery in any proceeding.

15 9. If a formal administrative investigation results in  
16 the removal, discharge, or suspension, or other disciplinary  
17 action against an officer, copies of any witness statements  
18 and the complete investigative agency's report shall be timely  
19 provided to the officer upon the request of the officer or the  
20 officer's legal counsel upon request at the completion of the  
21 investigation.

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

29 18. A municipality, county, or state agency employing  
30 an officer shall not publicly release the officer's official  
31 photograph without the written permission of the officer or  
32 without a request to release pursuant to chapter 22. An  
33 officer's personal information including but not limited to the  
34 officer's home address, personal telephone number, personal  
35 electronic mail address, date of birth, social security number,

1 and driver's license number shall be confidential and shall be  
2 redacted from any record prior to the record's release to the  
3 public by the employing agency. Nothing in this subsection  
4 prohibits the release of an officer's photograph or unredacted  
5 personal information to the officer's legal counsel, union  
6 representative, or designated employee representative upon the  
7 officer's request.

8 Sec. 44. Section 80F.1, Code 2021, is amended by adding the  
9 following new subsections:

10 NEW SUBSECTION. 20. The employing agency shall keep  
11 an officer's statement, recordings, or transcripts of any  
12 interviews or disciplinary proceedings, and any complaints  
13 made against an officer confidential unless otherwise provided  
14 by law or with the officer's written consent. Nothing in  
15 this section prohibits the release of an officer's statement,  
16 recordings, or transcripts of any interviews or disciplinary  
17 proceedings, and any complaints made against an officer to  
18 the officer or the officer's legal counsel upon the officer's  
19 request.

20 NEW SUBSECTION. 21. An agency employing full-time or  
21 part-time officers shall provide training to any officer or  
22 supervisor who performs or supervises an investigation under  
23 this section, and shall maintain documentation of any training  
24 related to this section. The Iowa law enforcement academy  
25 shall adopt minimum training standards not inconsistent with  
26 this subsection, including training standards concerning  
27 interviewing an officer subject to a complaint.

28 NEW SUBSECTION. 22. Upon written request, the employing  
29 agency shall provide to the requesting officer or the officer's  
30 legal counsel a copy of the officer's personnel file and  
31 training records regardless of whether the officer is subject  
32 to a formal administrative investigation at the time of the  
33 request.

34  
35

DIVISION XIII  
CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

1     Sec. 45. NEW SECTION. 321.366A Immunity from civil  
2 liability for certain vehicle operators.

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

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

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

20     Sec. 46. EFFECTIVE DATE. This division of this Act, being  
21 deemed of immediate importance, takes effect upon enactment.

22                                   DIVISION XIV

23                                   WINDOW TINTING

24     Sec. 47. Section 321.438, subsection 2, Code 2021, is  
25 amended to read as follows:

26     2. A person shall not operate on the highway a motor  
27 vehicle equipped with a front windshield, a side window to the  
28 immediate right or left of the driver, or a ~~side-wing~~ sidewing  
29 forward of and to the left or right of the driver which is  
30 excessively dark or reflective so that it is difficult for a  
31 person outside the motor vehicle to see into the motor vehicle  
32 through the windshield, window, or sidewing.

33     a. The department shall adopt rules establishing a minimum  
34 measurable standard of transparency which shall apply to  
35 violations of this subsection.

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

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

7                                   DIVISION XV

8                                   SHERIFF SALARIES

9     Sec. 49. Section 331.907, subsection 1, Code 2021, is  
10 amended to read as follows:

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

29                                   DIVISION XVI

30 CONFIDENTIAL COMMUNICATIONS — PEER SUPPORT — GROUP COUNSELORS

31     Sec. 50. Section 622.10, subsection 9, paragraphs a and b,  
32 Code 2021, are amended to read as follows:

33     a. A peer support group counselor or individual present  
34 for a group crisis intervention who obtains information from  
35 an officer or a civilian employee of a law enforcement agency



1 state, county, or municipal law enforcement agency solely due  
2 to a prosecuting attorney making a determination or disclosure  
3 that exculpatory evidence exists concerning the officer.

4     *b.* This subsection does not prohibit a law enforcement  
5 agency from dismissing, suspending, demoting, or taking other  
6 disciplinary actions against an officer based on the underlying  
7 actions that resulted in the exculpatory evidence being  
8 withheld. If a collective bargaining agreement applies, the  
9 actions taken by the law enforcement agency shall conform to  
10 the rules and procedures adopted by the collective bargaining  
11 agreement.

12     Sec. 53. FUTURE REPEAL. This division is repealed July 1,  
13 2022.

14     Sec. 54. BRADY-GIGLIO LIST INTERIM COMMITTEE.

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

18         *a.* Study the disclosure of information contained in officer  
19 personnel files as such information relates to a Brady-Giglio  
20 list.

21         *b.* Study the efficiency of implementing a statewide system  
22 for a Brady-Giglio list, identifying impartial entities to  
23 conduct investigations pertaining to an officer's acts or  
24 omissions to act, and recommending the appropriate procedures,  
25 due process protections, appeal rights, and criteria for the  
26 placement and removal of an officer's name on and from a  
27 Brady-Giglio list.

28         *c.* Study any other issues that the committee determines  
29 relevant to its objective. The committee may solicit the  
30 advice or testimony of any organization or individual with  
31 information or expertise relevant to the purpose of the  
32 committee.

33     2. The committee shall consist of three members of the  
34 senate appointed by the majority leader of the senate, two  
35 members of the senate appointed by the minority leader of the

1 senate, three members of the house of representatives appointed  
2 by the speaker of the house of representatives, and two members  
3 of the house of representatives appointed by the minority  
4 leader of the house of representatives. Additional committee  
5 members shall include the commissioner of the department of  
6 public safety or the commissioner's designee, a district court  
7 judge appointed by the supreme court, and representatives from  
8 all of the following: the Iowa county attorneys association,  
9 the Iowa sheriffs and deputies association, the Iowa police  
10 chiefs association, the Iowa state police association, the  
11 Iowa peace officers association, the Iowa professional fire  
12 fighters, the Iowa state troopers association, and the Iowa  
13 state patrol supervisors association. The Iowa sheriffs and  
14 deputies association member representative shall be an officer  
15 who does not hold rank.

16 3. The committee shall elect a chairperson from the members  
17 appointed.

18 4. The committee shall issue a report, including findings  
19 and recommendations, to the governor and the general assembly  
20 no later than December 16, 2021.

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

27 2. Title page, by striking lines 1 through 6 and inserting  
28 <An Act relating to public records including confidentiality,  
29 access, and enforcement of public violations; uniform  
30 commercial code filings; certain employment matters including  
31 certain benefits, workers' compensation, civil service  
32 examinations, and sheriff salaries; qualified immunity;  
33 communications in professional confidence; law enforcement  
34 including officer rights and disciplinary actions, eluding law  
35 enforcement, and the carrying of firearms; assaults involving

H-1343 (Continued)

1 lasers; the enforcement of laws; public disorder, assault,  
2 harassment, criminal mischief, unlawful obstruction of certain  
3 highways, and disorderly conduct; civil liability for certain  
4 vehicle operators; and window tinting; and providing penalties  
5 and including effective date provisions.>>

By KLEIN of Washington

H-1343 FILED APRIL 5, 2021

SENATE FILE 342

H-1346

1 Amend the House amendment, H-1342, to Senate File 342, as  
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 29, line 25, and  
4 inserting:

5 <Amend Senate File 342, as passed by the Senate, as follows:

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

8

<DIVISION I

9

PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

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

12 **9E.1 Purpose.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1 electronic mail to the electronic mail address provided by the  
2 secured party of record, if any.

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

9     a. Before the termination statement takes effect, request  
10 that the filing office conduct an expedited review of the  
11 filed record and any documentation provided by the secured  
12 party. The filing office may as a result of this review  
13 remove from the record the termination statement filed by  
14 it under subsection 3 before it takes effect and conduct an  
15 administrative review under subsection 11.

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

27     7. *Filing office to file notice of action for*  
28 *reinstatement.* Within ten days after being served with process  
29 in an action under subsection 6, the filing office shall file  
30 a notice indicating that the action has been commenced. The  
31 notice must indicate the file number of the initial financing  
32 statement to which the notice relates.

33     8. *Action for reinstatement successful.* If, in an action  
34 under subsection 6, the court determines that the financing  
35 statement was authorized to be filed and was not caused to be

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

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

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

29     11. *Procedure for record filed by trusted filer.* If an  
30 affidavit delivered to a filing office under subsection 2  
31 relates to a filed record communicated to the filing office by  
32 a trusted filer, the filing office shall promptly send to the  
33 secured party of record a notice stating that the affidavit has  
34 been delivered to the filing office and that the filing office  
35 is conducting an administrative review to determine whether the

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

19 Sec. 11. NEW SECTION. 714.29 Records filed with intent to  
20 harass or defraud.

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

24 a. The person is not authorized to file the record under  
25 section 554.9509.

26 b. The record is not related to an existing or anticipated  
27 transaction that is or will be governed by chapter 554, article  
28 9.

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

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

34

DIVISION III

35

ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES



1 11. *Pensions offset by compensation benefits.*

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

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

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

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

30 5. *Offset to allowance.*

31 a. Notwithstanding any provisions to the contrary in state  
32 law, or any applicable contract or policy, any amounts which  
33 may be paid or payable by the employer under any workers'  
34 compensation, unemployment compensation, employer-paid  
35 disability plan, program, or policy, or other law to a member,

1 and any disability payments the member receives pursuant to  
2 the federal Social Security Act, 42 U.S.C. §423 et seq.,  
3 shall be offset against and payable in lieu of any retirement  
4 allowance payable pursuant to this section on account of the  
5 same disability.

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

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

17 DIVISION V

18 CIVIL SERVICE COMMISSION EXAMINATIONS

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

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

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

34 2. The commission shall establish guidelines for conducting  
35 the examinations under subsection 1. ~~It may prepare and~~

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

15 DIVISION VI

16 COLLECTIVE BARGAINING

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

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

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

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

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

1 by a county as a jailer.

2 NEW PARAGRAPH. *i.* A peace officer employed by an  
3 institution under the control of the state board of regents  
4 whose position requires law enforcement certification pursuant  
5 to section 262.13.

6 NEW PARAGRAPH. *j.* An emergency dispatcher for a county  
7 sheriff.

8 Sec. 20. Section 20.13, Code 2021, is amended to read as  
9 follows:

10 **20.13 Bargaining unit determination, amendment, and**  
11 **reconsideration.**

12 1. ~~Board~~ The board's determination of an appropriate  
13 bargaining unit shall be upon petition filed by a public  
14 employer, public employee, or employee organization. Except  
15 as provided in subsection 4, the board's amendment of the  
16 composition of a represented bargaining unit shall be upon  
17 petition filed by the employer or certified representative  
18 of the bargaining unit. The board's reconsideration of the  
19 composition of a previously determined bargaining unit which is  
20 not represented by a certified representative shall be upon the  
21 combined petition of an employee organization which also seeks  
22 a representation election pursuant to section 20.14, subsection  
23 2.

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

1 public employees, the history and extent of public employee  
2 organization, geographical location, and the recommendations  
3 of the parties involved.

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

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

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

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

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

29 **20.15 Elections.**

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

1 petitioned for certification or which has presented proof  
2 satisfactory to the board of support of ten percent or more of  
3 the public employees in the appropriate unit.

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

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

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

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

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

1 also not be considered by the board if the bargaining unit is  
2 at that time represented by a certified exclusive bargaining  
3 representative.

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

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

1 of the succeeding odd-numbered year when new contracts shall  
2 become effective.

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

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

10 70. Information indicating whether a public employee  
11 voted in a certification, ~~retention and recertification~~, or  
12 decertification election held pursuant to section 20.15 or  
13 how the employee voted on any question on a ballot in such an  
14 election.

15 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code  
16 2021, is amended to read as follows:

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

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

34 2. Employ a director having the qualifications required by  
35 section 905.6 to head the district department's community-based

1 correctional program and, within a range established by the  
2 Iowa department of corrections, fix the compensation of and  
3 have control over the director and the district department's  
4 staff. For purposes of collective bargaining under chapter  
5 20, employees of the district board who are not exempt from  
6 chapter 20 are employees of the state, and the employees of all  
7 of the district boards shall be included within one collective  
8 bargaining unit. Furthermore, employees of the district board  
9 shall be considered state employees for purposes of section  
10 8A.415, subsection 2.

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

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

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

25 DIVISION VII

26 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

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

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

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

1 enforcement agency considers appropriate.

2 2. The attorney general shall develop a standardized form to  
3 be used by law enforcement agencies in collecting, compiling,  
4 and reporting the information pursuant to subsection 1.

5 3. *a.* Every state law enforcement agency, every local law  
6 enforcement agency with jurisdiction over a county, and every  
7 local law enforcement agency with jurisdiction over a city with  
8 a population of four thousand five hundred or more shall submit  
9 its first report to the attorney general on or before July 1,  
10 2021.

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

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

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

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

35 5. On or before December 15, 2021, and each year thereafter,

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

9 Sec. 27. Section 321.189, subsection 2, paragraph a, Code  
10 2021, is amended to read as follows:

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

22 Sec. 28. Section 321.190, subsection 1, paragraph a, Code  
23 2021, is amended to read as follows:

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

1 apply for the card in the manner provided in section 321.182,  
2 subsections 1 through 3. The card shall be issued to the  
3 applicant at the time of application pursuant to procedures  
4 established by rule. An applicant for a nonoperator's  
5 identification card who is required by 50 U.S.C. app. §451  
6 et seq. to register with the United States selective service  
7 system shall be registered by the department with the selective  
8 service system as provided in section 321.183.

9 DIVISION VIII

10 CRITICAL INCIDENTS

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

14 1. As used in this section:

15 a. "Division" means the division of criminal investigation  
16 of the department of public safety.

17 b. "Peace officer" means the same as defined in section  
18 97A.1.

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

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

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

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

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

1     *e.* "*Serious bodily injury*" means bodily injury which  
2 involves a substantial risk of death, unconsciousness, extreme  
3 physical pain, protracted and obvious disfigurement, or  
4 protracted loss or impairment of the function of a bodily  
5 member, organ, or mental faculty.

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

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

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

32     5. The law enforcement agency employing a peace officer  
33 involved in a peace officer-involved shooting or a peace  
34 officer-involved critical incident shall promptly offer  
35 confidential peer support and confidential counseling to the

1 peace officer at no charge to the peace officer.

2

DIVISION IX

3

JUSTICE AND COMMUNITY POLICING ADVISORY BOARD

4

Sec. 30. Section 216A.3, subsection 2, paragraph a, Code  
5 2021, is amended to read as follows:

6

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

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

20 2. "*Board*" means the justice and community policing advisory  
21 board.

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

25 1. A justice and community policing advisory board is  
26 established consisting of thirty-two members who shall all  
27 reside in the state.

28 a. The governor shall appoint thirteen voting members  
29 each for a four-year term beginning and ending as provided in  
30 section 69.19 and subject to confirmation by the senate as  
31 follows:

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

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

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- 1 (3) A peace officer who is a member of the Iowa peace  
2 officers association.
- 3 (4) A peace officer who is a member of the fraternal order  
4 of police.
- 5 (5) A peace officer who is a member of the Iowa state police  
6 association.
- 7 (6) A representative from the Iowa-Nebraska national  
8 association for the advancement of colored people.
- 9 (7) A representative from the American civil liberties  
10 union of Iowa.
- 11 (8) A representative from the Iowa coalition for collective  
12 change.
- 13 (9) One person who was formerly under juvenile court or  
14 correctional supervision.
- 15 (10) A representative from the office of the state public  
16 defender.
- 17 (11) A representative from the Iowa county attorneys  
18 association.
- 19 (12) Two persons representing the general public who are  
20 not employed in any law enforcement, judicial, or corrections  
21 capacity, including one person who is older than fifteen years  
22 of age but less than twenty-five years of age.
- 23 *b.* The following shall serve on the board as ex officio,  
24 nonvoting members:
- 25 (1) The chairperson of the commission on the status of  
26 African Americans or its designee.
- 27 (2) The chairperson of the commission of Latino affairs or  
28 its designee.
- 29 (3) The chairperson of the commission of Asian and Pacific  
30 Islander affairs or its designee.
- 31 (4) The chairperson of the commission of Native American  
32 affairs or its designee.
- 33 (5) The director of the department of human services or its  
34 designee.
- 35 (6) The director of the department of public health or its

1 designee.

2 (7) The commissioner of the department of public safety or  
3 its designee.

4 (8) The director of the Iowa law enforcement academy or its  
5 designee.

6 (9) The director of the department of corrections or its  
7 designee.

8 (10) The chairperson of the board of parole or its designee.

9 (11) The attorney general or its designee.

10 (12) The director of the governor's office of drug control  
11 policy or its designee.

12 (13) One member representing the judicial district  
13 departments of correctional services designated by a majority  
14 of the directors of the judicial district departments of  
15 correctional services.

16 (14) The chief justice of the supreme court shall designate  
17 the following:

18 (a) One member who is a district judge.

19 (b) One member who is either a district associate judge or  
20 associate juvenile judge.

21 (15) The chairperson and ranking member of the senate  
22 committee on judiciary shall be ex officio, nonvoting members.  
23 In alternating two-year terms, beginning and ending as provided  
24 in section 69.16B, the chairperson and ranking member of the  
25 house committee on judiciary or of the house committee on  
26 public safety shall be ex officio, nonvoting members, with the  
27 chairperson and ranking member of the house committee on public  
28 safety serving during the term beginning in January 2022.

29 Sec. 33. Section 216A.133, subsection 3, paragraph o, Code  
30 2021, is amended by adding the following new subparagraph:

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

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

1     NEW PARAGRAPH. *s.* Studying and making recommendations for  
2 eliminating disparity in law enforcement activities and the  
3 delivery of law enforcement services.

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

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

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

17    2. Title page, by striking lines 1 through 6 and inserting  
18 <An Act relating to public records including confidentiality,  
19 access, data collection, the enforcement of public records  
20 violations, and uniform commercial code filings; certain  
21 employment matters including benefits, workers' compensation,  
22 civil actions, and public employment; and law enforcement  
23 including critical incidents and racial profiling.>>

By KONFRST of Polk

SENATE FILE 466

H-1347

- 1 Amend Senate File 466, as passed by the Senate, as follows:  
2 1. Page 1, line 6, after <therapist,> by inserting <person  
3 who holds a doctorate in psychology with specialty training in  
4 neuropsychology or concussion management,>

By MASCHER of Johnson

H-1347 FILED APRIL 5, 2021

SENATE FILE 466

H-1348

1 Amend Senate File 466, as passed by the Senate, as follows:

2 1. Page 1, after line 7 by inserting:

3 <Sec. \_\_\_\_\_. Section 280.13C, subsection 6, paragraph b, Code  
4 2021, is amended to read as follows:

5 *b.* Personnel of a school district or accredited  
6 nonpublic school with enrolled students who participate  
7 in an extracurricular interscholastic activity which is  
8 a contest in grades seven through twelve shall develop a  
9 return-to-learn plan based on ~~guidance developed by the brain~~  
10 ~~injury association of America~~ protocols supported by guidelines  
11 of the centers for disease control and prevention of the United  
12 States department of health and human services in cooperation  
13 with a student removed from participation in an extracurricular  
14 interscholastic activity and diagnosed with a concussion  
15 or brain injury, the student's parent or guardian, and the  
16 student's licensed health care provider to accommodate the  
17 student as the student returns to the classroom.

18 Sec. \_\_\_\_\_. Section 280.13C, subsection 6, Code 2021, is  
19 amended by adding the following new paragraphs:

20 NEW PARAGRAPH. *c.* The department of public health, in  
21 collaboration with the department of education, shall adopt  
22 rules pursuant to chapter 17A establishing return-to-learn  
23 protocols based on guidelines of the centers for disease  
24 control and prevention of the United States department of  
25 health and human services that will allow for education  
26 personnel and the families of students diagnosed with a  
27 concussion or brain injury to collaborate with licensed health  
28 care providers to provide a process for a student to return to  
29 learn after a concussion or brain injury.

30 NEW PARAGRAPH. *d.* No later than January 6, 2022, personnel  
31 of a school district or accredited nonpublic school shall  
32 develop a district- or school-wide policy establishing a  
33 process to develop and implement individualized return-to-learn  
34 plans based on the return-to-learn protocols adopted by rule  
35 pursuant to paragraph "c". For school years beginning on or

1 after July 1, 2022, the board of directors of each school  
2 district and the authorities in charge of each accredited  
3 nonpublic school shall provide the parent or guardian of each  
4 student information on such protocols prior to the start of the  
5 school year and shall also provide such information to a parent  
6 or guardian of a new student arriving after the school year  
7 has started. Any student in kindergarten through grade twelve  
8 who has a concussion or other brain injury, regardless of the  
9 cause of the injury, who does not qualify for a return-to-play  
10 protocol under paragraph "a" or a return-to-learn plan  
11 under paragraph "b", may request that school personnel, in  
12 coordination with the student's parent or guardian, develop and  
13 implement an individualized return-to-learn plan consistent  
14 with the district- or school-wide policy that addresses  
15 the student's health and academic needs and follows the  
16 return-to-learn protocols adopted by rule pursuant to paragraph  
17 "c".

18 Sec. \_\_\_\_ . INFORMATION ON PROTOCOLS — 2021-2022 SCHOOL  
19 YEAR. For the school year beginning July 1, 2021, the board of  
20 directors of each school district and the authorities in charge  
21 of each accredited nonpublic school shall provide the parent  
22 or guardian of each student information on the return-to-learn  
23 protocols adopted by rule pursuant to section 280.13C,  
24 subsection 6, paragraph "c", as enacted by this Act, upon  
25 implementation of the district- or school-wide policy developed  
26 pursuant to section 280.13C, subsection 6, paragraph "d", as  
27 enacted by this Act, and shall also provide such information to  
28 a parent or guardian of a new student arriving after the date  
29 of such implementation.>

30 2. Title page, by striking lines 1 and 2 and inserting <An  
31 Act relating to concussion and brain injury policies>

32 3. By renumbering as necessary.

By ABDUL-SAMAD of Polk  
ANDREWS of Polk

H-1348 (Continued)

H-1348 FILED APRIL 5, 2021

SENATE FILE 476

H-1345

1 Amend the amendment, H-1341, to Senate File 476, as amended,  
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 29, line 23, and  
4 inserting:

5 <Amend Senate File 476, as amended, passed, and reprinted by  
6 the Senate, as follows:

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

9

<DIVISION I

10 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

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

13 **9E.1 Purpose.**

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

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

34 *a.* "Eligible person" means a person who is all a resident of  
35 this state, an adult, a minor, or an incapacitated person as

1 defined in section 633.701, and is one of the following:

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

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

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

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

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

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

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

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

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

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

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

34 NEW SUBSECTION. 4A. Upon request by a program participant,  
35 the assessor or the assessor's staff shall redact the

1 requestor's name contained in electronic documents that  
2 are displayed for public access through an internet site.  
3 The assessor shall implement and maintain a process to  
4 facilitate these requests. A fee shall not be charged for the  
5 administration of this paragraph.

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

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

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

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

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

1 displayed for public access through an internet site.

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

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

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

9

DIVISION II

10

UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

11

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

13

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

17

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

19

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

21

a. Regularly causes records to be communicated to the  
22 filing office for filing and has provided the filing office  
23 with current contact information and information sufficient to  
24 establish the person’s identity.

25

b. Satisfies either of the following conditions:

26

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

28

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

31

2. *Affidavit of wrongful filing.* A person identified as  
32 debtor in a filed financing statement may deliver to the  
33 filing office a notarized, sworn affidavit that identifies the  
34 financing statement by file number, indicates the affiant’s  
35 mailing address, and states that the affiant believes that

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

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

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

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

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

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

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

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

31     8. *Action for reinstatement successful.* If, in an action  
32 under subsection 6, the court determines that the financing  
33 statement was authorized to be filed and was not caused to be  
34 communicated to the filing office with the intent to harass or  
35 defraud the affiant, the court shall order that the financing

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

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

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

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

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

17 Sec. 10. NEW SECTION. 714.29 Records filed with intent to  
18 harass or defraud.

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

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

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

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

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

32 DIVISION III

33 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

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

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

18 DIVISION IV

19 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

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

22 11. *Pensions offset by compensation benefits.*

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

1 system so reduced shall be payable under the provisions of this  
2 chapter.

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

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

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

16 5. *Offset to allowance.*

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

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

32 c. Notwithstanding paragraph "a", any workers' compensation  
33 benefits received by a member for reimbursement of vacation  
34 time used, sick time used, or for any unpaid time off from work  
35 shall not be offset against and not considered payable in lieu

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

3 DIVISION V

4 CIVIL SERVICE COMMISSION EXAMINATIONS

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

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

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

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

DIVISION VI

2 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

3 Sec. 16. Section 321.279, Code 2021, is amended to read as  
4 follows:

5 **321.279 Eluding or attempting to elude pursuing law  
6 enforcement vehicle.**

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

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

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

27 *b.* The driver of a motor vehicle who commits a violation  
28 under this subsection and who has previously committed a  
29 violation under this subsection or subsection 3 is, upon  
30 conviction, guilty of a class "D" felony.

31 3. *a.* The driver of a motor vehicle commits a class "D"  
32 felony if the driver willfully fails to bring the motor vehicle  
33 to a stop or otherwise eludes or attempts to elude a marked or  
34 unmarked official law enforcement vehicle that is driven by a  
35 ~~uniformed~~ peace officer after being given a visual and audible

1 signal as provided in this section, and in doing so exceeds the  
2 speed limit by twenty-five miles per hour or more, and if any  
3 of the following occurs:

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

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

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

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

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 a class "C" felony.

13 Sec. 17. NEW SECTION. 724.4D Authority to carry firearm  
14 — peace officers.

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

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

19 DIVISION VII

20 ASSAULTS INVOLVING LASERS

21 Sec. 19. Section 708.1, subsection 2, Code 2021, is amended  
22 by adding the following new paragraph:

23 NEW PARAGRAPH. d. (1) Intentionally points a laser  
24 emitting a visible light beam at another person with the intent  
25 to cause pain or injury to another. For purposes of this  
26 paragraph, "laser" means a device that emits a visible light  
27 beam amplified by the stimulated emission of radiation and any  
28 light which simulates the appearance of a laser.

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

30 (a) A law enforcement officer who uses a laser in  
31 discharging or attempting to discharge the officer's official  
32 duties.

33 (b) A health care professional who uses a laser in providing  
34 services within the scope of practice of that professional or  
35 any other person who is licensed or authorized by law to use a

1 laser or who uses a laser in the performance of the person's  
2 official duties.

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

5 Sec. 20. EFFECTIVE DATE. This division of this Act, being  
6 deemed of immediate importance, takes effect upon enactment.

7

DIVISION VIII

8 ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY  
9 CONDUCT

10 Sec. 21. Section 321.366, subsection 1, Code 2021, is  
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other  
13 pedestrian conveyance or be a pedestrian anywhere on a fully  
14 controlled-access facility. For purposes of this paragraph,  
15 "*pedestrian conveyance*" means any human-powered device by which  
16 a pedestrian may move other than by walking or by which a  
17 walking person may move another pedestrian, including but not  
18 limited to strollers and wheelchairs.

19 Sec. 22. Section 708.3A, subsections 1, 2, 3, and 4, Code  
20 2021, are amended to read as follows:

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

1 the board of parole, health care provider, employee of the  
2 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  
5 guilty of a class "D" felony.

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

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

1 4. Any other assault, as defined in section 708.1, committed  
2 against a peace officer, jailer, correctional staff, member  
3 or employee of the board of parole, health care provider,  
4 employee of the department of human services, employee of the  
5 department of revenue, civilian employee of a law enforcement  
6 agency, civilian employee of a fire department, or fire  
7 fighter, whether paid or volunteer, by a person who knows  
8 that the person against whom the assault is committed is a  
9 peace officer, jailer, correctional staff, member or employee  
10 of the board of parole, health care provider, employee of  
11 the department of human services, employee of the department  
12 of revenue, civilian employee of a law enforcement agency,  
13 civilian employee of a fire department, or fire fighter, is a  
14 serious misdemeanor.

15 Sec. 23. Section 708.7, subsection 2, paragraph a, Code  
16 2021, is amended by adding the following new subparagraph:

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

20 Sec. 24. Section 716.4, subsection 1, Code 2021, is amended  
21 to read as follows:

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

24 a. The cost of replacing, repairing, or restoring the  
25 property that is damaged, defaced, altered, or destroyed  
26 exceeds one thousand five hundred dollars but does not exceed  
27 ten thousand dollars.

28 b. The acts damaged, defaced, altered, or destroyed any  
29 publicly owned property, including a monument or statue. In  
30 addition to any sentence imposed for a violation of this  
31 paragraph, the court shall include an order of restitution  
32 for any property damage or loss incurred as a result of the  
33 offense.

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

1       **723.4 Disorderly conduct.**

2       1. A person commits a simple misdemeanor when the person  
3 does any of the following:

4       *a.* Engages in fighting or violent behavior in any public  
5 place or in or near any lawful assembly of persons, provided,  
6 that participants in athletic contests may engage in such  
7 conduct which is reasonably related to that sport.

8       *b.* Makes loud and raucous noise in the vicinity of any  
9 residence or public building which intentionally or recklessly  
10 causes unreasonable distress to the occupants thereof.

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

14       *d.* Without lawful authority or color of authority, the  
15 person disturbs any lawful assembly or meeting of persons by  
16 conduct intended to disrupt the meeting or assembly.

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

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

25       (2) As used in this paragraph:

26       (i) "*Deface*" means to intentionally mar the external  
27 appearance.

28       (ii) "*Defile*" means to intentionally make physically unclean.

29       (iii) "*Flag*" means a piece of woven cloth or other material  
30 designed to be flown from a pole or mast.

31       (iv) "*Mutilate*" means to intentionally cut up or alter so as  
32 to make imperfect.

33       (v) "*Show disrespect*" means to deface, defile, mutilate, or  
34 trample.

35       (vi) "*Trample*" means to intentionally tread upon or

1 intentionally cause a machine, vehicle, or animal to tread  
2 upon.

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

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

9 3. A person commits an aggravated misdemeanor when the  
10 person commits disorderly conduct as described in subsection 2  
11 and does any of the following:

12 a. Obstructs or attempts to obstruct a fully  
13 controlled-access facility on a highway, street, or road in  
14 which the speed restriction is controlled by section 321.285,  
15 subsection 3, or section 321.285, subsection 5.

16 b. Commits property damage.

17 c. Is present during an unlawful assembly as defined in  
18 section 723.2.

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

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

23 b. Causes bodily injury.

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

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

29 DIVISION IX

30 ENFORCEMENT OF LAWS

31 Sec. 27. NEW SECTION. 27B.1 Definitions.

32 1. "Local entity" means the governing body of a city or  
33 county. "Local entity" includes an officer or employee of a  
34 local entity or a division, department, or other body that is  
35 part of a local entity, including but not limited to a sheriff,

1 police department, city attorney, or county attorney.

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

5 Sec. 28. NEW SECTION. **27B.2 Restriction on enforcement of**  
6 **state, local, and municipal law prohibited.**

7 A local entity or law enforcement department shall not  
8 adopt or enforce a policy or take any other action under which  
9 the local entity or law enforcement department prohibits or  
10 discourages the enforcement of state, local, or municipal laws.

11 Sec. 29. NEW SECTION. **27B.3 Discrimination prohibited.**

12 A local entity or a person employed by or otherwise under the  
13 direction or control of a local entity shall not consider race,  
14 skin color, language spoken, or national origin while enforcing  
15 state, local, and municipal laws except to the extent permitted  
16 by the Constitution of the United States or the Constitution of  
17 the State of Iowa.

18 Sec. 30. NEW SECTION. **27B.4 Complaints — notification —**  
19 **civil action.**

20 1. Any person may file a complaint with the attorney general  
21 alleging that a local entity has violated or is violating  
22 this chapter if the person offers evidence to support such an  
23 allegation. The person shall include with the complaint any  
24 evidence the person has in support of the complaint.

25 2. A local entity for which the attorney general has  
26 received a complaint pursuant to this section shall comply  
27 with any document requests, including a request for supporting  
28 documents, from the attorney general relating to the complaint.

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

32 4. If the attorney general determines that a complaint filed  
33 pursuant to this section against a local entity is valid, the  
34 attorney general, not later than ten days after the date of  
35 such a determination, shall provide written notification to the

1 local entity by certified mail, with return receipt requested,  
2 stating all of the following:

3     *a.* A complaint pursuant to this section has been filed and  
4 the grounds for the complaint.

5     *b.* The attorney general has determined that the complaint is  
6 valid.

7     *c.* The attorney general is authorized to file a civil  
8 action in district court pursuant to subsection 6 to enjoin a  
9 violation of this chapter no later than forty days after the  
10 date on which the notification is received if the local entity  
11 does not come into compliance with the requirements of this  
12 chapter.

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

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

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

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

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

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

32     Sec. 31. NEW SECTION. **27B.5 Denial of state funds.**

33     1. Notwithstanding any other provision of law to the  
34 contrary, a local entity, including any entity under the  
35 jurisdiction of the local entity, shall be ineligible to

1 receive any state funds if the local entity intentionally  
2 violates this chapter.

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

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

17 Sec. 32. NEW SECTION. **27B.6 Reinstatement of eligibility**  
18 **to receive state funds.**

19 1. Except as provided by subsection 5, no earlier than  
20 ninety days after the date of a final judicial determination  
21 that a local entity has intentionally violated the provisions  
22 of this chapter, the local entity may petition the district  
23 court that heard the civil action brought pursuant to section  
24 27B.4, subsection 6, to seek a declaratory judgment that the  
25 local entity is in full compliance with this chapter.

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

30 3. If the court issues a declaratory judgment declaring that  
31 the local entity is in full compliance with this chapter, the  
32 local entity's eligibility to receive state funds is reinstated  
33 beginning on the first day of the month following the date on  
34 which the declaratory judgment is issued.

35 4. A local entity shall not petition the court as described

1 in subsection 1 more than twice in one twelve-month period.

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

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

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

10 The attorney general shall develop and maintain a searchable  
11 database listing each local entity for which a final judicial  
12 determination described in section 27B.5, subsection 2, has  
13 been made. The attorney general shall post the database on the  
14 attorney general's internet site.

15 DIVISION X

16 QUALIFIED IMMUNITY

17 Sec. 34. NEW SECTION. **669.14A Qualified immunity.**

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

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

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

32 2. The state or a state agency shall not be liable for  
33 any claim brought under this chapter where the employee  
34 was determined to be protected by qualified immunity under  
35 subsection 1.

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

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

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

12 Sec. 35. NEW SECTION. **669.26 Money damages — nonwaiver**  
13 **of rights.**

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

17 Sec. 36. NEW SECTION. **670.4A Qualified immunity.**

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

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

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

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

35 3. A plaintiff who brings a claim under this chapter

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

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

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

11 Sec. 37. NEW SECTION. **670.14 Money damages — nonwaiver**  
12 **of rights.**

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

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

18 DIVISION XI

19 PUBLIC DISORDER

20 Sec. 39. Section 723.1, Code 2021, is amended to read as  
21 follows:

22 **723.1 Riot.**

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

30 Sec. 40. Section 723.2, Code 2021, is amended to read as  
31 follows:

32 **723.2 Unlawful assembly.**

33 An unlawful assembly is three or more persons assembled  
34 together, with them or any of them acting in a violent manner,  
35 and with intent that they or any of them will commit a public

1 offense. A person who willingly joins in or remains a part  
2 of an unlawful assembly, or who joined a lawful assembly but  
3 willingly remains after the assembly becomes unlawful, knowing  
4 or having reasonable grounds to believe that it is such,  
5 commits ~~a simple~~ an aggravated misdemeanor.

6 Sec. 41. EFFECTIVE DATE. This division of this Act, being  
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION XII

9 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF  
10 RIGHTS

11 Sec. 42. Section 80F.1, subsection 1, paragraph a, Code  
12 2021, is amended to read as follows:

13 a. "*Complaint*" means a formal written allegation signed  
14 by the complainant or a signed written statement by an  
15 officer receiving an oral complaint stating the complainant's  
16 allegation.

17 Sec. 43. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,  
18 Code 2021, are amended to read as follows:

19 3. A formal administrative investigation of an officer  
20 shall be commenced and completed in a reasonable period of time  
21 ~~and an.~~ An officer shall be immediately notified in writing  
22 of the results of the investigation when the investigation is  
23 completed.

24 5. An officer who is the subject of a complaint, shall at a  
25 minimum, be provided a written summary of the complaint prior  
26 to an interview. If a collective bargaining agreement applies,  
27 the complaint or written summary shall be provided pursuant  
28 to the procedures established under the collective bargaining  
29 agreement. If the complaint alleges domestic abuse, sexual  
30 abuse, workplace harassment, or sexual harassment, an officer  
31 shall not receive more than a written summary of the complaint.

32 8. a. The officer shall have the right to have the  
33 assistance of legal counsel present, at the officer's expense,  
34 during the interview of the officer and during hearings or  
35 other disciplinary or administrative proceedings relating

1 to the complaint. In addition, the officer shall have the  
2 right, at the officer's expense, to have a union representative  
3 present during the interview or, if not a member of a union,  
4 the officer shall have the right to have a designee present.

5 b. The officer's legal counsel, union representative, or  
6 employee representative shall not be compelled to disclose in  
7 any judicial proceeding, nor be subject to any investigation  
8 or punitive action for refusing to disclose, any information  
9 received from an officer under investigation or from an  
10 agent of the officer, so long as the officer or agent of the  
11 officer is an uninvolved party and not considered a witness  
12 to any incident. The officer's legal counsel may coordinate  
13 and communicate in confidence with the officer's designated  
14 union representative or employee representative, and such  
15 communications are not subject to discovery in any proceeding.

16 9. If a formal administrative investigation results in  
17 the removal, discharge, or suspension, or other disciplinary  
18 action against an officer, copies of any witness statements  
19 and the complete investigative agency's report shall be timely  
20 provided to the officer upon the request of the officer or the  
21 officer's legal counsel upon request at the completion of the  
22 investigation.

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

30 18. A municipality, county, or state agency employing  
31 an officer shall not publicly release the officer's official  
32 photograph without the written permission of the officer or  
33 without a request to release pursuant to chapter 22. An  
34 officer's personal information including but not limited to the  
35 officer's home address, personal telephone number, personal

1 electronic mail address, date of birth, social security number,  
2 and driver's license number shall be confidential and shall be  
3 redacted from any record prior to the record's release to the  
4 public by the employing agency. Nothing in this subsection  
5 prohibits the release of an officer's photograph or unredacted  
6 personal information to the officer's legal counsel, union  
7 representative, or designated employee representative upon the  
8 officer's request.

9       Sec. 44. Section 80F.1, Code 2021, is amended by adding the  
10 following new subsections:

11       NEW SUBSECTION. 20. The employing agency shall keep  
12 an officer's statement, recordings, or transcripts of any  
13 interviews or disciplinary proceedings, and any complaints  
14 made against an officer confidential unless otherwise provided  
15 by law or with the officer's written consent. Nothing in  
16 this section prohibits the release of an officer's statement,  
17 recordings, or transcripts of any interviews or disciplinary  
18 proceedings, and any complaints made against an officer to  
19 the officer or the officer's legal counsel upon the officer's  
20 request.

21       NEW SUBSECTION. 21. An agency employing full-time or  
22 part-time officers shall provide training to any officer or  
23 supervisor who performs or supervises an investigation under  
24 this section, and shall maintain documentation of any training  
25 related to this section. The Iowa law enforcement academy  
26 shall adopt minimum training standards not inconsistent with  
27 this subsection, including training standards concerning  
28 interviewing an officer subject to a complaint.

29       NEW SUBSECTION. 22. Upon written request, the employing  
30 agency shall provide to the requesting officer or the officer's  
31 legal counsel a copy of the officer's personnel file and  
32 training records regardless of whether the officer is subject  
33 to a formal administrative investigation at the time of the  
34 request.

35

DIVISION XIII

1 CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

2 Sec. 45. NEW SECTION. 321.366A Immunity from civil  
3 liability for certain vehicle operators.

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

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

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

21 Sec. 46. EFFECTIVE DATE. This division of this Act, being  
22 deemed of immediate importance, takes effect upon enactment.

23 DIVISION XIV

24 WINDOW TINTING

25 Sec. 47. Section 321.438, subsection 2, Code 2021, is  
26 amended to read as follows:

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

34 a. The department shall adopt rules establishing a minimum  
35 measurable standard of transparency which shall apply to

1 violations of this subsection.

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

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

8 DIVISION XV

9 SHERIFF SALARIES

10 Sec. 49. Section 331.907, subsection 1, Code 2021, is  
11 amended to read as follows:

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

30 DIVISION XVI

31 CONFIDENTIAL COMMUNICATIONS — PEER SUPPORT — GROUP COUNSELORS

32 Sec. 50. Section 622.10, subsection 9, paragraphs a and b,  
33 Code 2021, are amended to read as follows:

34 a. A peer support group counselor or individual present  
35 for a group crisis intervention who obtains information from

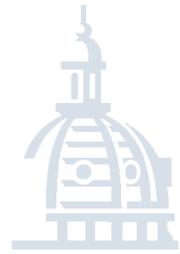


H-1345 (Continued)

1 examinations, and sheriff salaries; qualified immunity;  
2 communications in professional confidence; law enforcement  
3 including officer rights, eluding law enforcement, and  
4 the carrying of firearms; assaults involving lasers; the  
5 enforcement of laws; public disorder, assault, harassment,  
6 criminal mischief, unlawful obstruction of certain highways,  
7 and disorderly conduct; civil liability for certain vehicle  
8 operators; and window tinting; and providing penalties and  
9 including effective date provisions.>>

By KLEIN of Washington

[H-1345](#) FILED APRIL 5, 2021



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[SF 576](#) – Trigger Repeal and Inheritance Tax (LSB2794SV.1)  
Staff Contact: Jeff Robinson (515.281.4614) [jeff.robinson@legis.iowa.gov](mailto:jeff.robinson@legis.iowa.gov)  
Fiscal Note Version – Revised (Fiscal Impact)

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## **Description**

[Senate File 576](#) contains two actions. The Bill:

- Strikes 2018 Iowa Acts, chapter [1161](#), section 133 (contingent income tax system trigger requirements), and replaces the section with an unqualified effective date of January 1, 2023.
- Phases out and then repeals the inheritance tax and the qualified use inheritance tax. The changes are effective upon enactment and apply retroactively to deaths occurring on or after January 1, 2021.

## **Background**

### **Division I — Contingent Income Tax System Triggers**

2018 Iowa Acts, chapter 1161, Division IX, made future changes to how Iowa individual income tax liability is calculated. The effective date of Division IX of the 2018 legislation is contingent upon Iowa General Fund revenue reaching two revenue targets, or triggers, at the conclusion of a fiscal year. The two triggers are:

- Actual General Fund net revenue for the fiscal year equals or exceeds \$8,314,600,000.
- Actual General Fund net revenue for the fiscal year equals or exceeds 104.0% of the actual General Fund net revenue for the previous fiscal year.

Under the provisions of section 133 of the 2018 legislation, the first year that the two targets may be met is FY 2022, and the first year that the changes in Division IX may become effective is tax year (TY) 2023.

At the March 2021 meeting of the Revenue Estimating Conference (REC), the REC established an FY 2022 General Fund estimate of \$8,385.6 million and a growth rate of 3.8% compared to the FY 2021 estimate of \$8,078.9 million. The FY 2022 revenue projection is therefore \$71.0 million above the dollar trigger but 0.2 percentage points below the required 4.0% growth trigger. The REC projection does not mean that both triggers will not or cannot be met at the conclusion of FY 2022, but it does mean that the triggers are not projected to be met for FY 2022 at this time.

### **Division II — Inheritance Tax**

Inheritances received by a spouse or lineal ascendants and descendants (children, grandchildren, parents, grandparents, etc.) are exempt from Iowa inheritance tax under current law. For inheritances not exempt, the tax rate varies by size of the inheritance and category of inheritor.

- If the net value of the entire estate is less than \$25,000, the tax rate is 0.0%.
- For a brother, sister, son-in-law, or daughter-in-law, the rate is 5.0% to 10.0%.
- For an aunt, uncle, niece, nephew, foster child, cousin, brother-in-law, sister-in-law, and all other individual persons, the rate is 10.0% to 15.0%.
- For firms and for-profit corporations and organizations, the rate is 15.0%.

- For charitable, educational, or religious organizations organized under the laws of any other state or country, the rate is 10.0%.
- For bequests for religious services in excess of \$500, the rate is 10.0%.
- For unknown heirs, the rate is 5.0%.
- For public libraries and art galleries, hospitals, humane societies, municipal corporations, or for the care of cemetery or burial lots, or bequests for religious services not to exceed \$500, the rate is 0.0%.

The State qualified use inheritance tax may apply to certain property of the decedent that was used in farming or other trade or business.

## **Assumptions**

### **Division I — Contingent Income Tax System Triggers**

- The first fiscal year both triggers may be met under current law is FY 2022, and if both triggers are met that year, the contingent income tax system becomes effective for TY 2023 and after. However, in March 2021, the REC established a FY 2022 revenue estimate that does not achieve both triggers at the conclusion of that fiscal year. Therefore, this projection assumes FY 2023 will be the first year that both triggers are met and that the contingent income tax system will become effective for TY 2024 and after.
- The Department of Revenue utilized the individual income tax micromodel to calculate the tax reduction associated with the change to the contingent income tax system for TY 2023. The fiscal impact was determined by comparing model results of tax liability under current law (existing individual income tax system for TY 2023) versus tax liability under the Bill (contingent income tax system for TY 2023). Although removing the triggers only directly changes the tax system for one year (TY 2023), the change also has a projected impact in TY 2024 as taxpayers adjust for federal tax payments made and refunds received in TY 2024 that relate to TY 2023 and before. The change also has an ongoing impact on income tax brackets as the brackets are established in the contingent system as specific income levels that are then indexed each tax year after the first implementation year. Implementing the contingent tax system one year earlier will mean that tax brackets are lower by one year's worth of indexing for all future years. The Department model estimates the TY 2023 change will reduce State individual income tax liability by the following amounts:
  - TY 2023 = \$297.6 million
  - TY 2024 = \$43.7 million
  - TY 2025 and after = \$8.0 million per tax year
- The tax year impacts are assumed to be distributed 52.0% to the fiscal year that ends during the tax year through reduced withholding and estimate payments and 48.0% to the succeeding fiscal year through reduced withholding, estimate payments, payments with tax returns, and increased tax refunds.
- The reduction in State income tax liability will reduce the amount raised by the local option income surtax for schools by 3.0% of State income tax reduction.
- Other changes made within the contingent income tax system (2018 Iowa Acts, chapter 1161, sections 128 through 130) are projected to reduce FY 2024 corporate income tax liability by \$17.9 million and bank franchise tax liability by \$2.0 million.

### **Division II — Inheritance Tax**

- For FY 2021 and FY 2022, the assumed amount of revenue the State will receive under current law is equal to the December 2020 REC gross inheritance tax estimates for those years.
- For years beyond FY 2022, inheritance tax revenue is projected to grow 3.5% per year under current law.

- Annual estimates of gross inheritance tax receipts are reduced \$2.5 million to adjust for the average annual amount of gross inheritance tax that is refunded.
- Inheritance tax returns and payment are due nine months after the death date. Therefore, the revenue impact of the phaseout changes is delayed nine months.
- Future payments from deferred life estates and remainder interests, due from inheritances received prior to the repeal of the inheritance tax, are assumed to be minor and are therefore ignored in the fiscal impact calculation.

**Fiscal Impact**

The repeal of the contingent income tax system triggers and the phaseout of the Iowa inheritance tax are projected to reduce General Fund revenue by the annual amounts listed below.

<b>Projected General Fund Revenue Change by Tax Type and Fiscal Year</b>					
In Millions					
	Trigger Individual Income Tax	Trigger Corporate Income Tax	Trigger Bank Franchise Tax	Inheritance Tax	Total
FY 2022	\$ 0.0	\$ 0.0	\$ 0.0	\$ -17.9	\$ -17.9
FY 2023	-154.6	0.0	0.0	-40.8	-195.4
FY 2024	-160.2	-17.9	-2.0	-65.3	-245.4
FY 2025	-30.1	0.0	0.0	-91.5	-121.6
FY 2026	-8.4	0.0	0.0	-98.8	-107.2
FY 2027	-8.0	0.0	0.0	-102.3	-110.3

The revenue reduction will continue past FY 2027 at a similar level to FY 2027. The trigger repeal is also projected to reduce the revenue raised by the local option income surtax for schools by a total of \$10.8 million over the five fiscal years.

**Sources**

Department of Revenue  
Inheritance tax receipts and refunds history

/s/ Holly M. Lyons

April 5, 2021

Doc ID 1218463

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