

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

May 7, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 861	H-1468		SHIPLEY of Van Buren
HF 861	H-1469		ANDERSON of Polk
HF 861	H-1470		GJERDE of Linn
HF 861	H-1471		HUNTER of Polk
HF 861	H-1472		WOLFE of Clinton
HF 861	H-1473		ANDERSON of Polk
HF 861	H-1476		BENNETT of Linn
HF 861	H-1479		SMITH of Black Hawk
HF 864	H-1477		WOLFE of Clinton
HF 864	H-1478		WOLFE of Clinton
HF 891	H-1465		SHIPLEY of Van Buren
HF 891	H-1466		SHIPLEY of Van Buren
HF 891	H-1467		SHIPLEY of Van Buren
HF 891	H-1480		KURTH of Scott
HF 891	H-1481		BROWN-POWERS of Black Hawk
HF 891	H-1482		FORBES of Polk

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FORBES of Polk

RUNNING-MARQUARDT
of Linn

RUNNING-MARQUARDT
of Linn

HOUSE FILE 861

H-1468

1 Amend House File 861 as follows:

2 1. Page 21, after line 30 by inserting:

3 <DIVISION ____

4 SECOND AMENDMENT PRESERVATION ACT

5 Sec. ____ . NEW SECTION. 724A.1 Short title.

6 This chapter may be cited and referred to as the "*Second*
7 *Amendment Preservation Act*".

8 Sec. ____ . NEW SECTION. 724A.2 Definition.

9 As used in this chapter, "*law-abiding citizen*" means a person
10 who is not otherwise precluded under state law from possessing
11 a firearm and shall not be construed to include anyone who is
12 not legally present in the United States or the state of Iowa.

13 Sec. ____ . NEW SECTION. 724A.3 Legislative findings.

14 The general assembly finds and declares the following:

15 1. The general assembly is firmly resolved to support and
16 defend the Constitution of the United States against every
17 aggression, whether foreign or domestic, and is duty-bound to
18 oppose every infraction of those principles that constitute the
19 basis of the United States because only a faithful observance
20 of those principles can secure the nation's existence and the
21 public happiness.

22 2. Acting through the Constitution of the United States, the
23 people of the several states created the federal government to
24 be their agent in the exercise of a few defined powers, while
25 reserving for the state governments the power to legislate on
26 matters concerning the lives, liberties, and properties of
27 citizens in the ordinary course of affairs.

28 3. The limitation of the federal government's power is
29 affirmed under the tenth amendment to the Constitution of the
30 United States, which defines the total scope of federal power
31 as being that which has been delegated by the people of the
32 several states to the federal government, and all power not
33 delegated to the federal government in the Constitution of the
34 United States is reserved to the states respectively or to the
35 people themselves.

1 4. If the federal government assumes powers that the people
2 did not grant it in the Constitution of the United States, its
3 acts are unauthoritative, void, and of no force.

4 5. The several states of the United States respect
5 the proper role of the federal government but reject the
6 proposition that such respect requires unlimited submission.
7 If the government, created by a compact among the states,
8 was the exclusive or final judge of the extent of the powers
9 granted to it by the states through the Constitution of the
10 United States, the federal government's discretion, and not
11 the Constitution of the United States, would necessarily
12 become the measure of those powers. To the contrary, as in
13 all other cases of compacts among powers having no common
14 judge, each party has an equal right to judge for itself as to
15 whether infractions of the compact have occurred, as well as
16 to determine the mode and measure of redress. Although the
17 several states have granted supremacy to laws and treaties made
18 under the powers granted in the Constitution of the United
19 States, such supremacy does not extend to various federal
20 statutes, executive orders, administrative orders, court
21 orders, rules, regulations, or other actions that collect data
22 or restrict or prohibit the manufacture, ownership, and use
23 of firearms, firearm accessories, or ammunition exclusively
24 within the borders of Iowa. Such statutes, executive orders,
25 administrative orders, court orders, rules, regulations,
26 and other actions exceed the powers granted to the federal
27 government except to the extent they are necessary and proper
28 for governing and regulating the United States armed forces
29 or for organizing, arming, and disciplining militia forces
30 actively employed in the service of the United States armed
31 forces.

32 6. The people of the several states have given the United
33 States Congress the power "to regulate commerce with foreign
34 nations, and among the several states", but "regulating
35 commerce" does not include the power to limit citizens' right

1 to keep and bear arms in defense of their families, neighbors,
2 persons, or property, or to dictate what sort of arms and
3 accessories law-abiding Iowans may buy, sell, exchange, or
4 otherwise possess within the borders of this state.

5 7. The people of the several states have also granted the
6 United States Congress the power "to lay and collect taxes,
7 duties, imposts and excises, to pay the debts and provide for
8 the common defense and general welfare of the United States"
9 and "to make all laws which shall be necessary and proper for
10 carrying into execution" the powers vested by the Constitution
11 of the United States "in the government of the United States,
12 or in any department or officer thereof". These constitutional
13 provisions merely identify the means by which the federal
14 government may execute its limited powers and shall not be
15 construed to grant unlimited power because to do so would be
16 to destroy the carefully constructed equilibrium between the
17 federal and state governments. Consequently, the general
18 assembly rejects any claim that the taxing and spending powers
19 of the United States Congress may be used to diminish in any
20 way the right of the people to keep and bear arms.

21 8. The people of Iowa have vested the general assembly
22 with the authority to regulate the manufacture, possession,
23 exchange, and use of firearms firearm accessories, or
24 ammunition within the borders of this state, subject only to
25 the limits imposed by the second amendment to the Constitution
26 of the United States and the Constitution of the State of Iowa.

27 9. The general assembly of the state of Iowa strongly
28 promotes responsible firearm ownership, including parental
29 supervision of minors in the proper use, storage, and ownership
30 of all firearms; the prompt reporting of stolen firearms; and
31 the proper enforcement of all state firearm laws. The general
32 assembly of the state of Iowa hereby condemns any unlawful
33 transfer of firearms and the use of any firearm in any criminal
34 or unlawful activity.

35 Sec. ____ . NEW SECTION. 724A.4 Federal infringements on the

1 right to keep and bear arms.

2 Federal infringements on the people's right to keep and bear
3 arms, as guaranteed by the second amendment to the Constitution
4 of the United States, within the borders of this state include
5 but shall not be limited to the following federal acts, laws,
6 executive orders, administrative orders, court orders, rules,
7 and regulations:

8 1. Any tax, levy, fee, or stamp imposed on firearms, firearm
9 accessories, or ammunition not common to all other goods and
10 services and that might reasonably be expected to create a
11 chilling effect on the purchase or ownership of firearms,
12 firearm accessories, or ammunition by law-abiding citizens.

13 2. Any registering or tracking of firearms, firearm
14 accessories, or ammunition that might reasonably be expected
15 to create a chilling effect on the purchase or ownership of
16 firearms, firearm accessories, or ammunition by law-abiding
17 citizens.

18 3. Any registering or tracking of the owners of firearms,
19 firearm accessories, or ammunition that might reasonably
20 be expected to create a chilling effect on the purchase or
21 ownership of firearms, firearm accessories, or ammunition by
22 law-abiding citizens.

23 4. Any act forbidding the possession, ownership, use, or
24 transfer of firearms, firearm accessories, or ammunition by
25 law-abiding citizens.

26 5. Any act ordering the confiscation of firearms, firearm
27 accessories, or ammunition from law-abiding citizens.

28 Sec. ____ . NEW SECTION. 724A.5 Federal infringement void.

29 All federal acts, laws, executive orders, administrative
30 orders, court orders, rules, and regulations, regardless if
31 enacted before or after the provisions this chapter, that
32 infringe on the people's right to keep and bear arms as
33 guaranteed by the second amendment to the Constitution of the
34 United States shall be invalid in this state, shall not be
35 recognized by this state, shall be specifically rejected by

1 this state, and shall have no effect in this state.

2 Sec. _____. NEW SECTION. **724A.6 Protection of right to keep**
3 **and bear arms.**

4 It shall be the duty of the courts and law enforcement
5 agencies of this state to protect the rights of law-abiding
6 citizens to keep and bear arms within the borders of this state
7 and to protect these rights from the infringements described
8 in section 724A.4.

9 Sec. _____. NEW SECTION. **724A.7 Enforcement of infringement**
10 **of right to keep and bear arms prohibited.**

11 No person, including any public officer or employee of this
12 state or any political subdivision of this state, shall have
13 the authority to enforce or attempt to enforce any federal
14 acts, laws, executive orders, administrative orders, court
15 orders, rules, regulations, statutes, or ordinances infringing
16 on the right to keep and bear arms as described in section
17 724A.4.

18 Sec. _____. NEW SECTION. **724A.8 Liability for violation —**
19 **attorney fees.**

20 1. Any entity that acts knowingly to violate the provisions
21 of this chapter while acting under color of any state or
22 federal law, including any political subdivision or law
23 enforcement agency that employs a law enforcement officer who
24 acts knowingly to violate the provisions of this chapter while
25 acting under color of any state or federal law, shall be liable
26 to the injured party in an action at law, suit in equity, or
27 other proper proceeding for redress.

28 2. In such actions, the court may award the prevailing
29 party, other than the state or any political subdivision of the
30 state, reasonable attorney fees and costs.

31 3. Sovereign, official, or qualified immunity shall not be
32 an affirmative defense in actions pursued under this section.

33 Sec. _____. NEW SECTION. **724A.9 Actions for violations.**

34 1. Any person residing or conducting business in a
35 jurisdiction who believes that a law enforcement officer or

H-1468 (Continued)

1 supervisor of law enforcement officers of such jurisdiction has
2 taken action that violates this chapter shall have standing
3 to pursue an action against the jurisdiction that employs the
4 officer or supervisor for declaratory judgment in the district
5 court of the county in which the action allegedly occurred, or
6 in the district court of Polk county.

7 2. If a court determines that a law enforcement officer or
8 supervisor of law enforcement officers has taken any action
9 that violates this chapter, the jurisdiction that employs
10 the law enforcement officer or supervisor of law enforcement
11 officers found to have violated this chapter shall be required
12 to pay court costs, attorney fees, and any other damages the
13 court finds necessary associated with the declaratory judgment
14 action that resulted in the finding of ineligibility.

15 3. Nothing in this section shall preclude a person's right
16 of appeal or remediation.>

17 2. Title page, line 1, after <system> by inserting <, and
18 creating the second amendment preservation Act>

19 3. By renumbering as necessary.

By SHIPLEY of Van Buren

H-1468 FILED MAY 7, 2021

HOUSE FILE 861

H-1469

1 Amend House File 861 as follows:

2 1. Page 1, line 31, by striking <5,016,708> and inserting
3 <7,516,708>

4 2. Page 1, by striking lines 34 and 35 and inserting
5 <crime victims of domestic abuse, rape, sexual assault, human
6 trafficking, and murder.>

By ANDERSON of Polk

H-1469 FILED MAY 7, 2021

HOUSE FILE 861

H-1470

1 Amend House File 861 as follows:

2 1. Page 4, line 18, by striking <34,674,762> and inserting
3 <36,274,762>

4 2. Page 4, after line 18 by inserting:

5 <Of the moneys appropriated in this paragraph, \$1,600,000
6 shall be used for updating the facility's radio and
7 communication systems.>

8 3. Page 4, line 22, by striking <65,504,081> and inserting
9 <67,104,081>

10 4. Page 4, after line 22 by inserting:

11 <Of the moneys appropriated in this paragraph, \$1,600,000
12 shall be used for updating the facility's radio and
13 communication systems.>

14 5. Page 4, line 34, by striking <11,198,997> and inserting
15 <12,798,997>

16 6. Page 4, after line 34 by inserting:

17 <Of the moneys appropriated in this paragraph, \$1,600,000
18 shall be used for updating the facility's radio and
19 communication systems.>

By GJERDE of Linn

H-1470 FILED MAY 7, 2021

HOUSE FILE 861

H-1471

- 1 Amend House File 861 as follows:
- 2 1. Page 5, after line 23 by inserting:
- 3 <2. The department of corrections shall use moneys
- 4 appropriated in subsection 1 to fill current correctional
- 5 officer vacancies or to create new full-time correctional
- 6 officer and staff positions.>
- 7 2. Page 5, line 24, by striking <2.> and inserting <3.>

By HUNTER of Polk

H-1471 FILED MAY 7, 2021

HOUSE FILE 861

H-1472

- 1 Amend House File 861 as follows:
- 2 1. Page 11, line 26, by striking <1,222,768> and inserting
3 <1,347,768>
- 4 2. Page 11, line 27, by striking <30.25> and inserting
5 <31.25>
- 6 3. Page 11, after line 27 by inserting:
7 <Of the moneys appropriated in this paragraph, \$125,000
8 and 1.00 full-time equivalent position shall be used for an
9 additional de-escalation training position.>
- 10 4. Page 13, line 18, by striking <6,928,040> and inserting
11 <7,053,040>
- 12 5. Page 14, line 29, by striking <18,216,868> and inserting
13 <18,341,868>
- 14 6. Page 14, after line 30 by inserting:
15 <Of the moneys appropriated in this subsection, \$125,000
16 shall be used for the division of criminal investigation fusion
17 center and for child pornography prevention and enforcement.>
- 18 7. Page 16, line 12, by striking <69,432,433> and inserting
19 <71,432,433>
- 20 8. Page 16, after line 17 by inserting:
21 <Of the moneys appropriated in this subsection, \$2,000,000
22 shall be used to fill currently vacant state patrol full-time
23 equivalent positions.>
- 24 9. Page 16, line 25, by striking <825,520> and inserting
25 <950,520>
- 26 10. Page 17, line 3, by striking <197,325> and inserting
27 <322,325>
- 28 11. Page 17, line 7, by striking <50,000> and inserting
29 <175,000>
- 30 12. Page 17, line 11, by striking <2,500,000> and inserting
31 <2,625,000>
- 32 13. Page 20, line 17, before <MISCELLANEOUS> by inserting
33 <SUPPLEMENTAL AND>
- 34 14. Page 20, before line 18 by inserting:
35 <Sec. ____ . DEPARTMENT OF CORRECTIONS — FACILITIES —

H-1472 (Continued)

1 APPROPRIATION. There is appropriated from the general fund of
2 the state to the department of corrections for the fiscal year
3 beginning July 1, 2021, and ending June 30, 2022, the following
4 amount, or so much thereof as is necessary, to be distributed
5 evenly between the department of corrections facilities to be
6 used to fill current vacancies and to create new full-time
7 correctional officer and staff positions at the facilities:
8 \$ 14,000,000>
9 15. Page 20, line 25, by striking <400,000> and inserting
10 <525,000>
11 16. By renumbering as necessary.

By WOLFE of Clinton

H-1472 FILED MAY 7, 2021

HOUSE FILE 861

H-1473

- 1 Amend House File 861 as follows:
- 2 1. Page 21, after line 30 by inserting:
- 3 <DIVISION ____
- 4 PUBLIC EMPLOYMENT — COLLECTIVE BARGAINING
- 5 Sec. ____ . Section 20.3, subsection 11, Code 2021, is amended
- 6 by adding the following new paragraph:
- 7 NEW PARAGRAPH. *g.* A person employed by the department of
- 8 corrections in a non-managerial position, including any medical
- 9 personnel employed by the department of corrections.>
- 10 2. By renumbering as necessary.

By ANDERSON of Polk

H-1473 FILED MAY 7, 2021

HOUSE FILE 861

H-1476

1 Amend House File 861 as follows:

2 1. Page 21, after line 30 by inserting:

3 <DIVISION ____
4 DEPARTMENT OF CORRECTIONS
5 Sec. ____ . DEPARTMENT OF CORRECTIONS.

6 1. The department shall order an external independent
7 investigation of the Anamosa correctional facility related
8 to the March 23, 2021, attack by two inmates of the facility
9 resulting in the death of two members of the correctional
10 staff. Results of the investigation shall be presented to
11 the general assembly, the governor, and the director of the
12 department of corrections.

13 2. The department shall implement new safety training
14 based upon a comprehensive review of the Anamosa correctional
15 facility's security measures.>

16 2. By renumbering as necessary.

By BENNETT of Linn

H-1476 FILED MAY 7, 2021

H-1479

1 Amend House File 861 as follows:

2 1. Page 21, after line 30 by inserting:

3 <DIVISION ____
4 CRIMINAL CORRECTIONS — PROBATION

5 Sec. ____ . Section 907.1, Code 2021, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. 2A. "*Discharge credit*" means a fourteen-day
8 reduction from a defendant's term of probation for each full
9 calendar month the defendant is in compliance with the terms
10 of the defendant's probation.

11 NEW SUBSECTION. 2B. "*Educational credit*" means a ninety-day
12 reduction from a defendant's term of probation when a defendant
13 earns a high school diploma or high school equivalency
14 certificate or completes a certified vocational, technical, or
15 career education or training program.

16 NEW SUBSECTION. 4A. "*Technical violation*" means a violation
17 by the defendant of the terms and conditions of probation other
18 than a conviction of the defendant for a new crime.

19 Sec. ____ . Section 907.9, subsections 1 and 2, Code 2021, are
20 amended to read as follows:

21 1. At any time that the court determines that the purposes
22 of probation have been fulfilled and fees imposed under section
23 905.14 and court debt collected pursuant to section 602.8107
24 have been paid or are subject to a payment plan, the court may
25 order the discharge of a person from probation.

26 2. a. At any time that a probation officer determines
27 that the purposes of probation have been fulfilled and fees
28 imposed under section 905.14 and court debt collected pursuant
29 to section 602.8107 have been paid or are subject to a
30 payment plan, the officer may order the discharge of a person
31 from probation after approval of the district director and
32 notification of the sentencing court and the county attorney
33 who prosecuted the case.

34 b. Notwithstanding any earned discharge credit under
35 subsection 6 or any earned educational credit under subsection

1 7, a defendant's probation officer shall submit a report to the
2 court no later than halfway through the defendant's period of
3 probation describing the defendant's progress under supervision
4 and making one of the following recommendations:

5 (1) Terminate the defendant's probation early.

6 (2) Continue the defendant's probation with reduced terms
7 and conditions.

8 (3) Continue the defendant's probation as previously
9 ordered.

10 c. If the defendant's probation officer's recommendation
11 is to continue supervision as ordered under paragraph "b",
12 subparagraph (3), or to continue the defendant's probation with
13 reduced terms or conditions under paragraph "b", subparagraph
14 (2), the probation officer shall describe why continued
15 supervision or continued probation with reduced terms and
16 conditions is necessary and beneficial. If the recommendation
17 is against early termination of the defendant's probation, the
18 defendant may request a hearing on the matter. The requested
19 hearing shall be held no later than thirty days from the date
20 of the defendant's request. At the hearing, the court shall
21 review the probation officer's report; the defendant's progress
22 and conduct on probation, including whether the defendant has
23 attended court-ordered mandatory counseling or treatment and
24 whether the defendant is subject to a payment plan and has
25 been found able to afford payments but is purposely avoiding
26 making payments; the underlying offense and its relationship
27 to the conditions of probation imposed on the defendant;
28 the defendant's criminal record; and any mitigating factors
29 to determine whether to reduce the defendant's probation,
30 discharge the defendant from probation, or reduce the terms and
31 conditions of the defendant's probation.

32 d. Nothing in this subsection precludes the ability of a
33 probation officer or the court to terminate the defendant's
34 probation early at any time.

35 Sec. ____. Section 907.9, subsection 4, paragraphs a and b,

1 Code 2021, are amended to read as follows:

2 *a.* At the expiration of the period of probation, if the
3 fees ~~imposed under section 905.14 and court debt collected~~
4 ~~pursuant to section 602.8107 have been paid~~ and court debt
5 have been paid or are subject to a payment plan, the court
6 shall order the discharge of the person from probation. If
7 portions of the court debt remain unpaid, the person shall
8 establish a payment plan with the clerk of the district court
9 or the county attorney prior to the discharge. The payment
10 plan shall be based on the defendant's ability to pay. The
11 court shall forward to the governor a recommendation for or
12 against restoration of citizenship rights to that person upon
13 discharge. If the court's recommendation to the governor
14 is against the restoration of the defendant's citizenship
15 rights, the court shall provide a written explanation of
16 its recommendation to the defendant and give notice to the
17 defendant of the defendant's right to appear at a hearing. A
18 person who has been discharged from probation shall no longer
19 be held to answer for the person's offense.

20 *b.* Upon discharge from probation, if judgment has been
21 deferred under section 907.3, the court's criminal record with
22 reference to the deferred judgment, any counts dismissed by the
23 court, which were contained in the indictment, information,
24 or complaint that resulted in the deferred judgment, and
25 any other related charges that were not contained in the
26 indictment, information, or complaint but were dismissed, shall
27 be expunged. However, the court's record shall not be expunged
28 until the person has paid, or is subject to a payment plan,
29 for the restitution, civil penalties, court costs, fees, or
30 other financial obligations ordered by the court or assessed
31 by the clerk of the district court in the case that includes
32 the deferred judgment. The expunged record is a confidential
33 record exempt from public access under section 22.7 but shall
34 be made available by the clerk of the district court, upon
35 request and without court order, to an agency or person granted

1 access to the deferred judgment docket under section 907.4,
2 subsection 2. The court's record shall not be expunged in any
3 other circumstances unless authorized by law.

4 Sec. _____. Section 907.9, Code 2021, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 6. *a.* A defendant on probation shall
7 be eligible to earn a discharge credit from the defendant's
8 term of probation for each full calendar month in which the
9 defendant is in compliance with the terms of the defendant's
10 probation.

11 *b.* A defendant shall not earn a discharge credit for a
12 calendar month in which a violation has occurred, the defendant
13 has absconded from probation, or the defendant is incarcerated.

14 *c.* A defendant shall not earn a discharge credit for a
15 partial calendar month or the last full calendar month of
16 probation.

17 *d.* A discharge credit shall be applied to the termination
18 date of the defendant's probation within thirty days of the end
19 of the calendar month in which the discharge credit was earned.

20 NEW SUBSECTION. 7. A defendant on probation shall be
21 eligible to earn an educational credit from the defendant's
22 term of probation for each full calendar month in which the
23 defendant is in compliance with the terms of the defendant's
24 probation.

25 NEW SUBSECTION. 8. A defendant's probation officer shall
26 notify the court when a defendant earns a discharge credit
27 or educational credit pursuant to subsection 6 or 7. Upon
28 receipt of a notice from the defendant's probation officer,
29 the court shall conduct a review of the defendant's probation
30 to determine if the defendant is eligible for a reduction or
31 termination of probation, taking into account any discharge
32 credit and educational credit the defendant has earned. A
33 defendant may earn both a discharge credit and an educational
34 credit to be applied toward the completion of the defendant's
35 probation in accordance with this subsection.

1 Sec. ____ . NEW SECTION. 907.12 Probation revocation —
2 **resentencing.**

3 1. *a.* The court shall not impose a sentence of imprisonment
4 upon revoking probation unless the court finds any of the
5 following:

6 (1) The defendant has been convicted of a new felony or
7 misdemeanor.

8 (2) The defendant's conduct creates an identifiable,
9 significant, and imminent danger to the community and no
10 other condition of supervision or treatment would decrease
11 this likelihood based upon the testimony of the defendant's
12 probation officer.

13 *b.* If the court finds any of the factors in paragraph "a",
14 the court shall follow the following sentencing guidelines:

15 (1) The court shall not sentence the defendant to
16 imprisonment on a first or second technical violation.

17 (2) The court may impose a sentence of up to seven days of
18 imprisonment upon a third technical violation.

19 (3) The court may impose a sentence of up to fifteen days of
20 imprisonment upon a fourth technical violation.

21 (4) The court may impose a sentence of up to thirty days of
22 imprisonment for a technical violation of certain conditions of
23 probation specified at the beginning of the defendant's period
24 of probation.

25 2. There shall be no revocation of probation, imprisonment,
26 or increase in the terms and conditions of probation under this
27 section except upon the conclusion of a technical violation
28 revocation hearing in accordance with this subsection.

29 *a.* Upon an allegation of a technical violation of a
30 defendant by the defendant's probation officer, a written
31 request for a technical violation revocation hearing shall be
32 filed with the court.

33 *b.* The court shall schedule a technical violation revocation
34 hearing within a reasonable time after receiving a written
35 request for a hearing.

1 *c.* The technical violation revocation hearing shall be held
2 before the defendant's sentencing judge, if available.

3 *d.* The court shall hold a technical violation revocation
4 hearing to determine whether the facts warrant revocation of
5 a defendant's probation and whether probation is still an
6 effective vehicle to accomplish rehabilitation of the defendant
7 and a sufficient deterrent against future criminal conduct.

8 *e.* The defendant shall have the right to confront and
9 cross-examine witnesses.

10 3. *a.* Following a technical violation revocation hearing,
11 and prior to resentencing, the court shall give the defendant
12 the opportunity to be heard and the defendant shall be entitled
13 to representation by an attorney. If the defendant is indigent
14 or incapable of requesting an attorney, the court shall appoint
15 an attorney to represent the defendant.

16 *b.* The court shall state on the record the reasons for the
17 sentence imposed.

18 *c.* The court shall advise the defendant on the record of
19 the right to file a motion to modify the sentence, the right to
20 file a petition for postconviction relief, and of the right to
21 the assistance of an attorney in the preparation of the motion
22 and the petition. The court shall also advise the defendant of
23 the time within which the defendant must exercise the rights
24 in this paragraph.

25 *d.* The court shall require that a record of the resentencing
26 proceeding be made and preserved to allow the record to be
27 transcribed including the record of any stipulation made
28 between the parties at any presentence hearing.

29 4. A motion to modify a sentence imposed after a technical
30 violation revocation hearing shall be filed within ten days
31 of the sentencing order. The filing of a motion to modify a
32 sentence shall not toll the thirty-day appeal period.

33 5. The court may revoke an order of probation upon proof
34 of a violation of any of the following specified conditions of
35 probation:

1 *a.* If a defendant has been convicted of a new felony, the
2 sentencing alternatives available to the court shall be the
3 same as were available at the time of a defendant's initial
4 sentencing, and consideration shall be given to the defendant's
5 time spent serving the order of probation.

6 *b.* If a defendant has been convicted of a new misdemeanor,
7 the sentencing alternatives available to the court shall be the
8 same as were available at the time of the defendant's initial
9 sentencing; however, the defendant's sentence may include a
10 term of imprisonment of up to ninety days.

11 Sec. _____. NEW SECTION. 907.15 **Payment of fines and fees.**

12 1. The court shall direct that a defendant pay fines and
13 fees in conjunction with a term of probation, and shall create
14 a payment plan based upon the defendant's ability to pay.

15 2. The court, upon the receipt of a petition from a
16 probation officer for termination of a defendant's probation,
17 shall not consider the defendant's lack of payment of fines and
18 fees as a disqualifying factor for early termination of the
19 defendant's probation unless the defendant has been found to
20 be able to afford payments but has purposely avoided making
21 payments.

22 3. A defendant who is compliant with the conditions of
23 probation shall not be precluded from obtaining a driver's
24 license due to lack of payment of fines and fees, unless a
25 defendant has been found to be able to afford payments but has
26 purposely avoided making payments.

27 4. A determination of a defendant's ability to pay shall
28 include the factors set forth in the court's financial
29 affidavit under sections 815.9 and 908.2A. A defendant may
30 petition the court for review of the defendant's financial
31 status pursuant to section 910.7.>

32 2. Title page, line 1, after <system> by inserting <, and
33 including certain probation matters>

34 3. By renumbering as necessary.

H-1479 (Continued)

By SMITH of Black Hawk

H-1479 FILED MAY 7, 2021

HOUSE FILE 864

H-1477

1 Amend House File 864 as follows:

2 1. Page 2, by striking lines 11 through 16 and inserting:

3 <___. There is appropriated from the general fund of the
4 state to the judicial branch for the fiscal year beginning July
5 1, 2021, and ending June 30, 2022, the following amount to be
6 distributed equally to each of the state's judicial districts
7 for the purpose of the operation of specialty courts:

8 \$ 1,600,000

9 It is the intent of the general assembly that the offices
10 of the clerks of the district court operate in all 99 counties
11 and the specialty courts be accessible to the public as much as
12 is reasonably possible in order to address the relative needs
13 of the citizens of each county. Communities should have equal
14 access to specialty courts and the specialty courts should be
15 utilized as much as possible to address underlying substance
16 abuse disorder-related and mental health-related issues that
17 contribute to the contact of individuals with the justice
18 system. An office of the clerk of the district court shall be
19 open regular courthouse hours.>

20 2. By renumbering, redesignating, and correcting internal
21 references as necessary.

By WOLFE of Clinton

H-1477 FILED MAY 7, 2021

HOUSE FILE 864

H-1478

1 Amend House File 864 as follows:
2 1. Page 5, after line 7 by inserting:
3 <Sec. ____ . JUDICIAL DISTRICT COURTHOUSES —
4 SECURITY. There is appropriated from the general fund of the
5 state to the judicial branch for the fiscal year beginning July
6 1, 2021, and ending June 30, 2022, the following amount to
7 be used for courthouse security grants, requiring at least a
8 twenty-five percent match from the recipient county, for the
9 purpose of installing security measures in a county courthouse:
10 \$ 1,000,000>

By WOLFE of Clinton

H-1478 FILED MAY 7, 2021

HOUSE FILE 891

H-1465

1 Amend House File 891 as follows:

2 1. Page 14, after line 25 by inserting:

3 <__. The department shall clearly document and include in
4 the COVID-19 public dashboard information regarding the number
5 of confirmed COVID-19 cases which were contracted through
6 asymptomatic transmission.>

7 2. By renumbering, redesignating, and correcting internal
8 references as necessary.

By SHIPLEY of Van Buren

H-1465 FILED MAY 7, 2021

HOUSE FILE 891

H-1466

- 1 Amend House File 891 as follows:
- 2 1. Page 14, after line 25 by inserting:
- 3 <___. The department shall document and include in the
- 4 COVID-19 public dashboard information regarding the number of
- 5 confirmed COVID-19 cases contracted by individuals who have
- 6 been fully vaccinated against COVID-19.>
- 7 2. By renumbering as necessary.

By SHIPLEY of Van Buren

H-1466 FILED MAY 7, 2021

H-1467

1 Amend House File 891 as follows:

2 1. Page 75, after line 17 by inserting:

3 <DIVISION ____

4 VACCINATIONS — HEALTH CARE PROVIDER REQUIREMENTS

5 Sec. ____ . NEW SECTION. 135.39E **Vaccinations — health care**
6 **provider requirements — penalties.**

7 1. For the purposes of this section:

8 *a. "Health care provider"* means any licensed health care
9 professional, organization, or institution, whether public
10 or private, including federal, state, and local departments,
11 agencies, and instrumentalities, under whose authority a
12 licensed or emergency use vaccine is administered.

13 *b. "Health profession board"* means a profession board
14 designated pursuant to section 147.13.

15 *c. "Vaccine injury table"* means the vaccine injury table
16 created and revised pursuant to 42 U.S.C. §300aa-14.

17 2. The department shall collaborate with each health
18 profession board to ensure that a health care provider under
19 the purview of the department or a health profession board
20 is aware of and complies with the requirements of 42 U.S.C.
21 §300aa-25 and 42 U.S.C. §300aa-26, including all of the
22 following:

23 *a.* That, prior to the patient receiving the vaccine, the
24 health care provider provides an adult patient, or the parent
25 or legal representative of a minor patient, with a copy of
26 the relevant federal vaccine information statement for the
27 vaccine the patient is to receive and verbally informs the
28 adult patient, or the parent or legal representative of a
29 minor patient, of the existence of the federal food and drug
30 administration vaccine adverse event reporting system and the
31 national vaccine injury compensation program referenced in the
32 statement, if the vaccine is included in the vaccine injury
33 table.

34 *b.* That the health care provider records certain required
35 information about the vaccine administered in the patient's

1 medical record or a permanent office log or file.

2 *c.* That the health care provider documents any adverse
3 event following the vaccination that the patient experiences
4 within eight weeks post-administration and that becomes known
5 to the health care provider, submits the report to the federal
6 food and drug administration vaccine adverse event reporting
7 system, and provides the adult patient, or the parent or legal
8 representative of a minor patient, with a copy of the report.

9 3. The health profession board for a health care provider
10 may deny an applicant a license or suspend, revoke, or refuse
11 to renew a license, and may take other disciplinary action
12 against a licensee based on the applicant or licensee having
13 three or more verified failures to comply with the applicable
14 health care provider requirements pursuant to 42 U.S.C.
15 §300aa-25 and 42 U.S.C. §300aa-26.

16 4. A health care provider who violates a provision of
17 42 U.S.C. §300aa-25 or 42 U.S.C. §300aa-26, in addition to
18 licensee disciplinary action pursuant to subsection 3, shall
19 be subject to a fine, per violation, of a minimum amount of one
20 thousand dollars, established by rule of the department or the
21 respective health profession board, as applicable.>

22 2. By renumbering as necessary.

By SHIPLEY of Van Buren

[H-1467](#) FILED MAY 7, 2021

HOUSE FILE 891

H-1480

1 Amend House File 891 as follows:

2 1. Page 48, line 1, by striking <15,457,597> and inserting
3 <16,058,356>

4 2. Page 48, line 7, by striking <19,652,379> and inserting
5 <20,628,077>

6 3. Page 49, line 6, by striking <12,237,937> and inserting
7 <13,698,094>

By KURTH of Scott

H-1480 FILED MAY 7, 2021

HOUSE FILE 891

H-1481

1 Amend House File 891 as follows:

2 1. Page 27, after line 4 by inserting:

3 <Sec. ____ . MENTAL HEALTH AND DISABILITY REGIONAL SERVICES
4 FUND — FY 2021-2022. There is appropriated from the general
5 fund of the state to the department of human services for the
6 fiscal year beginning July 1, 2021, and ending June 30, 2022,
7 the following amount, or so much thereof as is necessary, to be
8 used for the purpose designated:

9 For transfer to the mental health and disability regional
10 services fund created in section 225C.7A, or a successor fund:
11 \$ 15,000,000

12 Moneys transferred to the mental health and disability
13 regional services fund under this section are appropriated to
14 the department of human services for distribution to regions
15 for funding of mental health and disability services in
16 accordance with section 225C.7A.>

17 2. By renumbering as necessary.

By BROWN-POWERS of Black Hawk

H-1481 FILED MAY 7, 2021

HOUSE FILE 891

H-1482

1 Amend House File 891 as follows:

2 1. Page 53, by striking line 34 and inserting <and special
3 population nursing facility rates shall be increased by 3
4 percent over the rates in effect on June 30, 2021, and such
5 nursing facilities shall be reimbursed>

6 2. Page 55, by striking line 3 and inserting <be increased
7 by 3 percent over the rates in effect on June 30, 2021, subject
8 to>

9 3. Page 55, by striking line 10 and inserting <be increased
10 by 3 percent over the rates in effect on June 30, 2021,
11 and shall be rebased effective October 1, 2021, subject to
12 Medicaid>

13 4. Page 56, line 5, by striking <independent> and inserting
14 <rates for independent>

15 5. Page 56, line 6, after <shall> by inserting <be increased
16 by 3 percent over the rates in effect on June 30, 2021, and such
17 laboratories and agencies shall>

18 6. Page 56, line 20, after <shall> by inserting <be
19 increased by 3 percent over the rates in effect on June 30,
20 2021, and shall>

21 7. Page 56, line 28, by striking <remain at> and inserting
22 <be increased by 3 percent over>

23 8. Page 57, line 7, by striking <remain at> and inserting
24 <be increased by 3 percent over>

25 9. Page 57, line 18, by striking <remain at> and inserting
26 <be increased by 3 percent over>

27 10. Page 57, line 25, by striking <remain at> and inserting
28 <be increased by 3 percent over>

29 11. Page 58, line 4, after <shall> by inserting <be
30 increased by 3 percent over the rates in effect on June 30,
31 2021, and shall>

32 12. Page 58, line 8, after <at> by inserting <3 percent
33 over>

34 13. Page 58, line 22, by striking <remain at> and inserting
35 <be increased by 3 percent over>

H-1482 (Continued)

1 14. Page 59, line 1, by striking <remain at> and inserting
2 <be increased by 3 percent over>

3 15. Page 59, line 6, by striking <remain at> and inserting
4 <be increased by 3 percent over>

5 16. Page 59, line 9, by striking <remain at> and inserting
6 <be increased by 3 percent over>

7 17. Page 60, line 7, by striking <remain at> and inserting
8 <be increased by 3 percent over>

By FORBES of Polk

[H-1482](#) FILED MAY 7, 2021

HOUSE FILE 891

H-1483

1 Amend House File 891 as follows:

2 1. Page 75, after line 17 by inserting:

3 <DIVISION ____

4 MEDICAL CANNABIDIOL

5 Sec. _____. Section 124E.4, subsection 5, Code 2021, is
6 amended to read as follows:

7 5. *Expiration date of card.* A medical cannabidiol
8 registration card issued pursuant to this section shall expire
9 ~~one-year~~ three years after the date of issuance and may be
10 renewed.

11 Sec. _____. Section 124E.9, subsections 14 and 15, Code 2021,
12 are amended to read as follows:

13 14. A medical cannabidiol dispensary shall not dispense
14 more than a combined total of ~~four and one-half~~ fifteen grams
15 of total tetrahydrocannabinol to a patient and the patient's
16 primary caregiver in a ninety-day period, except as provided
17 in subsection 15.

18 15. A medical cannabidiol dispensary may dispense more than
19 a combined total of ~~four and one-half~~ fifteen grams of total
20 tetrahydrocannabinol to a patient and the patient's primary
21 caregiver in a ninety-day period if any of the following apply:

22 a. The health care practitioner who certified the patient to
23 receive a medical cannabidiol registration card certifies that
24 patient's debilitating medical condition is a terminal illness
25 with a life expectancy of less than one year. A certification
26 issued pursuant to this paragraph shall include a total
27 tetrahydrocannabinol cap deemed appropriate by the patient's
28 health care practitioner.

29 b. The health care practitioner who certified the
30 patient to receive a medical cannabidiol registration card
31 certifies that the patient has participated in the medical
32 cannabidiol program and that the health care practitioner
33 has determined that ~~four and one-half~~ fifteen grams of total
34 tetrahydrocannabinol in a ninety-day period is insufficient
35 to treat the patient's debilitating medical condition. A

H-1483 (Continued)

1 certification issued pursuant to this paragraph shall include
2 a total tetrahydrocannabinol cap deemed appropriate by the
3 patient's health care practitioner.

4 Sec. ____ . TRANSITION PROVISIONS. A medical cannabidiol
5 registration card issued prior to July 1, 2021, remains
6 effective and continues in effect as issued for the
7 twelve-month period following its issuance.>

8 2. By renumbering as necessary.

By FORBES of Polk

[H-1483](#) FILED MAY 7, 2021

HOUSE FILE 895

H-1474

1 Amend House File 895 as follows:

2 1. Page 23, after line 22 by inserting:

3 <DIVISION ____

4 USE OF FEDERAL RELIEF MONEYS

5 Sec. ____ . SELF-PROMOTION PROHIBITED. The provisions of
6 section 68A.405A apply to moneys received by the state from the
7 coronavirus relief fund created pursuant to the Coronavirus
8 Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, as
9 amended by the Consolidated Appropriations Act, 2021, Pub. L.
10 No. 116-260, and from moneys received by the state under the
11 American Rescue Plan Act of 2021, Pub. L. No. 117-2.

12 Sec. ____ . OVERSIGHT BY LEGISLATIVE COUNCIL. For the fiscal
13 year beginning July 1, 2021, and ending June 30, 2022, all of
14 the following apply:

15 1. On or before September 30, 2021, and on or before
16 December 31, 2021, the department of management shall submit
17 to the general assembly a detailed list of all expenditures
18 made from moneys received by the state from the coronavirus
19 relief fund created pursuant to the Coronavirus Aid, Relief,
20 and Economic Security Act, Pub. L. No. 116-136, as amended by
21 the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260,
22 and from moneys received by the state under the American
23 Rescue Plan Act of 2021, Pub. L. No. 117-2. In addition, the
24 department of management shall notify the general assembly
25 of any contract or agreement with a private entity for the
26 expenditure of such moneys, including the name of the private
27 entity and the amount to be expended, within 14 days after the
28 contract or agreement takes effect.

29 2. The office of the governor, the department of management,
30 or any other state entity shall not expend more than \$1,000,000
31 of moneys described in subsection 1 collectively during the
32 fiscal year on any one contract, agreement, or purpose without
33 the approval of the legislative council.

34 Sec. ____ . AMERICAN RESCUE PLAN ACT — COMPETITIVE BIDDING
35 PROCEDURES. Notwithstanding any provision of law to the

H-1474 (Continued)

1 contrary, including any proclamation of disaster emergency
2 issued by the governor, competitive bidding procedures for the
3 expenditure of moneys received by the state under the American
4 Rescue Plan Act of 2021, Pub. L. No. 117-2, that are otherwise
5 required for state agencies pursuant to chapters 8A and 8B
6 shall be followed and not be altered or waived unless for an
7 immediate public health need.

8 Sec. _____. BONUS PAY RESTRICTION. Notwithstanding any
9 provision of law to the contrary, a state entity shall not
10 provide bonus pay to a state employee during the fiscal year
11 beginning July 1, 2021, and ending June 30, 2022, unless the
12 state employee is a frontline essential worker.

13 Sec. _____. AMERICAN RESCUE PLAN ACT — IOWA PREFERENCE. As
14 a condition of expending any moneys received by the state under
15 the American Rescue Plan Act of 2021, Pub. L. No. 117-2, any
16 state agency authorized to enter into a contract to expend such
17 moneys shall give first preference in awarding a contract to
18 an Iowa-based business.

19 Sec. _____. EFFECTIVE DATE. This division of this Act, being
20 deemed of immediate importance, takes effect upon enactment.>

21 2. By renumbering as necessary.

By RUNNING-MARQUARDT of Linn

H-1474 FILED MAY 7, 2021

HOUSE FILE 895

H-1475

1 Amend House File 895 as follows:

2 1. Page 23, after line 22 by inserting:

3 <DIVISION ____

4 AMERICAN RESCUE PLAN ACT APPROPRIATIONS — FY 2021-2022

5 Sec. ____ . UNIVERSITY OF IOWA COLLEGE OF PUBLIC HEALTH —

6 FY 2021-2022. There is appropriated from the Iowa coronavirus
7 fiscal recovery fund created in section 8.57G, as enacted in
8 this Act, to the university of Iowa college of public health
9 for the fiscal year beginning July 1, 2021, and ending June
10 30, 2022, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 1. For a longitudinal study on the incidence and prevalence
13 of the chronic symptoms and disabilities attributable to
14 COVID-19, in coordination with the university of Iowa college
15 of medicine:

16 \$ 750,000

17 2. To coordinate increased, systemic efforts with Iowa's
18 local public health authorities to address the chronic
19 health conditions, maladaptive personal behaviors, and social
20 conditions that are risk factors for poorer outcomes associated
21 with infectious diseases, such as obesity, diabetes, heart
22 disease, smoking, and social disparities:

23 \$ 1,000,000

24 3. To support the development and provide ongoing
25 facilitation of a state association of local boards of health:

26 \$ 100,000

27 4. To provide paid internships for students of the college
28 of public health with local health departments through which
29 an intern supports the local public health infrastructure,
30 conducts community health needs assessments, and assists in the
31 successful implementation of health improvement plans:

32 \$ 200,000

33 5. a. To conduct a comprehensive review and evaluation of
34 the existing public health infrastructure in this state, with
35 policy and funding recommendations, to improve the capacity

1 of the state and local communities to effectively respond
2 to public health threats including chronic and infectious
3 diseases:

4 \$ 250,000

5 b. The comprehensive review and evaluation shall be
6 submitted to the governor and general assembly on or before
7 January 1, 2024.

8 c. Notwithstanding section 8.33, moneys appropriated in
9 this subsection that remain unencumbered or unobligated at the
10 close of the fiscal year shall not revert but shall remain
11 available for expenditure for the purposes designated until the
12 close of the fiscal year beginning July 1, 2023.

13 Sec. ____ . DEPARTMENT OF PUBLIC HEALTH — FY
14 2021–2022. There is appropriated from the Iowa coronavirus
15 capital projects fund created in section 8.57H, as enacted in
16 this Act, to the department of public health for the fiscal
17 year beginning July 1, 2021, and ending June 30, 2022, the
18 following amount, or so much thereof as is necessary, to be
19 used for the purposes designated:

20 For information technology updates, improvements, or
21 replacements to provide for accurate and timely collection
22 and reporting of data and information related to infectious
23 diseases and infectious disease outbreaks in this state and
24 other critical public health data and information related to
25 the population health priorities and goals of the state board
26 of health and county boards of health:

27 \$ 19,000,000

28 Notwithstanding section 8.33, moneys appropriated in this
29 section that remain unencumbered or unobligated at the close of
30 the fiscal year shall not revert but shall remain available for
31 expenditure for the purposes designated. However, the moneys
32 appropriated in this section shall be expended by December 31,
33 2024.

34 DIVISION ____
35 AMERICAN RESCUE PLAN ACT APPROPRIATIONS — FY 2022–2023

1 Sec. _____. UNIVERSITY OF IOWA COLLEGE OF PUBLIC HEALTH —
2 FY 2022-2023. There is appropriated from the Iowa coronavirus
3 fiscal recovery fund created in section 8.57G, as enacted in
4 this Act, to the university of Iowa college of public health
5 for the fiscal year beginning July 1, 2022, and ending June
6 30, 2023, the following amounts, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 1. To coordinate increased, systemic efforts with Iowa's
9 local public health authorities to address the chronic
10 health conditions, maladaptive personal behaviors, and social
11 conditions that are risk factors for poorer outcomes associated
12 with infectious diseases, such as obesity, diabetes, heart
13 disease, smoking, and social disparities:

14 \$ 1,000,000

15 2. To support the development and provide ongoing
16 facilitation of a state association of local boards of health:

17 \$ 100,000

18 3. To provide paid internships for students of the college
19 of public health with local health departments through which
20 an intern supports the local public health infrastructure,
21 conducts community health needs assessments, and assists in the
22 successful implementation of health improvement plans:

23 \$ 200,000>

24 2. By renumbering as necessary.

By RUNNING-MARQUARDT of Linn