

Senate File 250 - Introduced

SENATE FILE 250
BY SODDERS

A BILL FOR

- 1 An Act relating to indemnification of peace officers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 80F.2 Indemnification of peace
2 officers.

3 1. For purposes of this section, "peace officer" means the
4 same as defined in section 801.4.

5 2. If a peace officer is prosecuted for a crime the
6 peace officer allegedly committed in the course of the peace
7 officer's performance of duties as a peace officer and the
8 charge is dismissed or the peace officer is found not guilty,
9 the state or governmental unit employing the peace officer
10 shall indemnify the peace officer for economic loss the peace
11 officer sustained as a result of the prosecution, including
12 the payment of attorney fees and costs incurred during the
13 prosecution and during the enforcement of this section.

14 3. A peace officer may bring an action in district court
15 against the state or governmental unit employing the peace
16 officer to enforce the provisions of this section.

17 Sec. 2. REPEAL. Section 80.37, Code 2015, is repealed.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to the indemnification of a peace officer
22 who is charged with a crime allegedly committed during the
23 performance of duties if the charges are dismissed or the peace
24 officer is found not guilty.

25 The bill defines "peace officer" as a sheriff and sheriff's
26 regular deputy who is subject to mandated law enforcement
27 training, marshal and police officer of a city, peace officer
28 member of the department of public safety as defined in Code
29 chapter 80, parole officer acting pursuant to Code section
30 906.2, probation officer acting pursuant to Code sections
31 602.7202(4) and 907.2, peace officer employed by board of
32 regents institutions as set forth in Code section 262.13,
33 conservation officer as authorized by Code section 456A.13,
34 employee of the department of transportation designated as
35 a peace officer by resolution of the department under Code

1 section 321.477, employee of an aviation authority designated
2 as a peace officer by the authority under Code section
3 330A.8(16), and such person as may be otherwise so designated
4 by law.

5 The bill provides that if a peace officer is prosecuted for
6 a crime the peace officer allegedly committed in the course of
7 the peace officer's performance of duties as a peace officer
8 and the charge is dismissed or the peace officer is found not
9 guilty, the state or governmental unit employing the peace
10 officer shall indemnify the peace officer for economic loss
11 the peace officer sustained as a result of the prosecution and
12 enforcement of the bill, including the payment of attorney fees
13 and costs. The bill further provides that a peace officer
14 may bring an action against the state or governmental unit
15 employing the peace officer to enforce the provisions of the
16 bill.

17 The bill repeals Code section 80.37. Code section 80.37
18 provides that a peace officer employed by the department of
19 public safety, who is charged with a crime based on an act
20 or omission within the scope of the officer's lawful duty
21 and against whom the charges are dismissed or the officer
22 is acquitted, shall be reimbursed for costs incurred in
23 defending the charge if the court finds that the charge was
24 without probable cause, filed for malicious purposes, or was
25 unwarranted in consideration of the circumstances.