

Senate Study Bill 3052 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

A BILL FOR

1 An Act relating to the national guard, by authorizing a morale,
2 welfare, and recreation activity and establishing procedures
3 concerning notification of civilian authorities regarding
4 certain criminal offenses committed by members of the
5 national guard.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 29A.12A **Morale, welfare, and**
2 **recreation activity.**

3 1. The adjutant general may establish a morale, welfare,
4 and recreation activity in the department of public defense,
5 for the purposes of supporting the readiness and resilience
6 of members of the national guard. The adjutant general shall
7 prescribe regulations governing the operation of the morale,
8 welfare, and recreation activity.

9 2. An obligation created under this section shall not be
10 a charge against the state of Iowa and all obligations of the
11 activity shall be paid from the operations of the activity.

12 3. There is no liability to the state of Iowa under this
13 section. Members of the governing body of the activity shall
14 not be held to any personal or individual liability for any
15 action taken by them under this chapter.

16 Sec. 2. Section 29B.116A, subsection 2, paragraph a, Code
17 2018, is amended to read as follows:

18 a. A commander, who is made aware of an allegation that
19 an offense under **subsection 1**, paragraph "a" or "b", has been
20 committed by a member of the state military forces against
21 another member of the state military forces while both are
22 subject to this code, shall notify ~~local~~, without delay, the
23 civilian law enforcement authorities without delay agency
24 having primary jurisdiction over the alleged offense. Upon
25 notification, the agency shall promptly assign a case number
26 to the allegation and shall share with the national guard the
27 results of any investigation or inform the national guard of
28 the reasons for not conducting an investigation.

29

EXPLANATION

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

32 This bill concerns the national guard.

33 New Code section 29A.12A authorizes the adjutant general of
34 the national guard to create a morale, welfare, and recreation
35 activity to support the readiness and resilience of members

1 of the national guard. The activity would operate under
2 regulations of the adjutant general and be self-funding. The
3 bill further provides that obligations of the activity would
4 not be a charge against the state nor would liability attach to
5 the state or to members of the operating body of the activity.
6 Code section 29B.116A, relating to notification of civilian
7 authorities for certain criminal offenses committed by a member
8 of the national guard, is amended. The bill provides that
9 a commander made aware that a civilian criminal offense was
10 alleged to have been committed by one member of the national
11 guard against another member of the national guard shall notify
12 the civilian law enforcement agency having primary jurisdiction
13 over the offense. The bill then requires the civilian law
14 enforcement agency to assign a case number to the allegation
15 and to share the results of the investigation with the national
16 guard or to inform the national guard of the reasons that no
17 investigation was conducted.