

Senate Study Bill 3182 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the appointment of a special prosecutor
2 after a peace officer discharges a firearm while on duty
3 that results in a bodily injury, serious injury, or death.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13.2, subsection 1, paragraph b, Code
2 2018, is amended to read as follows:

3 b. Prosecute and defend in any other court or tribunal, all
4 actions and proceedings, civil or criminal, in which the state
5 may be a party or interested, when, in the attorney general's
6 judgment, the interest of the state requires such action, or
7 when requested to do so by the governor, executive council, or
8 general assembly, or when the law requires such action.

9 Sec. 2. NEW SECTION. 13.35 **Special prosecutor — injury or**
10 **death resulting from actions of peace officer involving firearm.**

11 1. As used in this section, "*peace officer*" means the same
12 as defined in section 801.4.

13 2. If a peace officer discharges a firearm while on duty
14 that results in a bodily injury, serious injury, or death,
15 the attorney general shall be designated a special prosecutor
16 to investigate the matter and file charges if appropriate.
17 The attorney general may convene a grand jury or proceed by
18 filing a trial information. The county attorney shall not have
19 jurisdiction over the matter.

20 3. The county where the incident occurred shall pay the
21 expenses of the attorney general in the matter.

22 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
23 3, shall not apply to this Act.

24 EXPLANATION

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

27 This bill relates to the appointment of a special prosecutor
28 after a peace officer discharges a firearm while on duty that
29 results in a bodily injury, serious injury, or death.

30 Under the bill, if a peace officer discharges a firearm
31 while on duty that results in a bodily injury, serious injury,
32 or death, the attorney general shall be designated a special
33 prosecutor, proceed with investigating the matter, and convene
34 a grand jury if necessary unless the attorney general proceeds
35 by the filing of a trial information. The county attorney

1 shall not have jurisdiction over the matter.

2 The bill further specifies that the county where the
3 incident occurred shall pay the expenses of the attorney
4 general in the matter.

5 The bill may include a state mandate as defined in Code
6 section 25B.3. The bill makes inapplicable Code section 25B.2,
7 subsection 3, which would relieve a political subdivision from
8 complying with a state mandate if funding for the cost of
9 the state mandate is not provided or specified. Therefore,
10 political subdivisions are required to comply with any state
11 mandate included in the bill.