

House File 698 - Introduced

HOUSE FILE 698

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 117)

A BILL FOR

1 An Act relating to officer disciplinary actions and

2 establishing a legislative interim committee.

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

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

3 NEW SUBSECTION. 20. *a.* An officer shall not be discharged,
4 disciplined, or threatened with discharge or discipline by a
5 state, county, or municipal law enforcement agency solely due
6 to a prosecuting attorney making a determination or disclosure
7 that exculpatory evidence exists concerning the officer.

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

16 Sec. 2. FUTURE REPEAL. This Act is repealed July 1, 2022.

17 Sec. 3. BRADY-GIGLIO LIST INTERIM COMMITTEE.

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

21 *a.* Study the disclosure of information contained in officer
22 personnel files as such information relates to a Brady-Giglio
23 list.

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

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

1 prohibits an officer from being discharged, disciplined, or
2 threatened with discharge or discipline by a state, county, or
3 municipal law enforcement agency solely due to a prosecuting
4 attorney making a determination or disclosure that exculpatory
5 evidence exists concerning the officer. However, a law
6 enforcement agency may dismiss, suspend, demote, or take other
7 disciplinary action against an officer based on the underlying
8 actions that resulted in the exculpatory evidence being
9 withheld. The bill specifies that if a collective bargaining
10 agreement applies, the actions taken by the law enforcement
11 agency shall conform to the rules and procedures adopted by the
12 collective bargaining agreement.

13 Under Code section 80F.1, "officer" means a certified
14 law enforcement officer, fire fighter, emergency medical
15 technician, corrections officer, detention officer, jailer,
16 probation or parole officer, communications officer, or
17 any other law enforcement officer certified by the Iowa law
18 enforcement academy and employed by a municipality, county, or
19 state agency.

20 The bill establishes a legislative interim committee
21 to study the disclosure of officer personnel files as
22 such information relates to a Brady-Giglio list; study
23 the efficiency of implementing a statewide system for a
24 Brady-Giglio list identifying impartial entities to conduct
25 investigations pertaining to an officer's acts or omissions
26 to act and recommending appropriate procedures, due process
27 protections, appeal rights, and criteria for the placement
28 and removal of an officer's name on and from a Brady-Giglio
29 list; and study any other issues the committee determines to
30 be relevant to its objective. The committee may solicit the
31 advice or testimony of any organization or individual with
32 information or expertise relevant to its study. The bill
33 provides for the membership of the committee and requires
34 the committee to issue a report, including findings and
35 recommendations, to the governor and the general assembly no

1 later than December 16, 2021.

2 The bill defines "Brady-Giglio list" as a list of officers
3 maintained by the county attorney's office, including officers
4 who may not have disclosed all impeachment information and
5 officers who may have violated the pretrial discovery rule
6 requiring officers to turn over all evidence that might be used
7 to exonerate a defendant.

8 The bill is repealed on July 1, 2022.