

**Senate File 179 - Introduced**

SENATE FILE 179

BY NUNN

**A BILL FOR**

1 An Act relating to officer disciplinary actions.

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

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

3 NEW PARAGRAPH. *0a.* "*Brady list*" means a list of officers  
4 maintained by the county attorney's office, including officers  
5 who may have impeached themselves as witnesses and officers  
6 who may have violated the pretrial discovery rule requiring  
7 officers to turn over all evidence that might be used to  
8 exonerate a defendant.

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

11 NEW SUBSECTION. 20. *a.* An officer shall not be discharged,  
12 disciplined, or threatened with discharge or discipline by a  
13 state, county, or municipal law enforcement agency solely due  
14 to the inclusion of the officer's name on a Brady list.

15 *b.* A county attorney's office maintaining a Brady list  
16 shall disclose the contents of the list to the law enforcement  
17 agency of an officer included on the list and to the officer.  
18 A county attorney's office shall develop a procedure for a  
19 law enforcement agency who employs an officer included on the  
20 Brady list, and for an officer included on the Brady list, to  
21 challenge the inclusion of an officer on the Brady list.

22 *c.* This subsection does not prohibit a law enforcement  
23 agency from dismissing, suspending, demoting, or taking other  
24 disciplinary actions against an officer based on the underlying  
25 actions that resulted in the officer's name being placed on  
26 a Brady list including any impeachment evidence against the  
27 officer or evidence that the officer may not have turned  
28 over exculpatory evidence to a defendant. If a collective  
29 bargaining agreement applies, the actions taken by the law  
30 enforcement agency shall conform to the rules and procedures  
31 adopted by the collective bargaining agreement.

32 EXPLANATION

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

35 This bill relates to police officer disciplinary actions.

1 The bill amends Code chapter 80F, relating to the rights of  
2 officers and public safety and emergency personnel. The bill  
3 prohibits an officer from being discharged, disciplined, or  
4 threatened with discharge or discipline by a state, county, or  
5 municipal law enforcement agency solely due to the inclusion  
6 of the officer's name on a Brady list. The bill defines "Brady  
7 list" as a list of officers maintained by the county attorney's  
8 office, including officers who may have impeached themselves  
9 as witnesses and officers who may have violated the pretrial  
10 discovery rule requiring officers to turn over any evidence  
11 that might be used to exonerate a defendant.

12 The bill provides that a county attorney's office  
13 maintaining a Brady list shall disclose the contents of the  
14 list to the law enforcement agency of an officer included on  
15 the list and to the officer. A county attorney's office shall  
16 develop a procedure for a law enforcement agency who employs an  
17 officer included on the Brady list, and for an officer included  
18 on the Brady list, to challenge the inclusion of an officer  
19 on the Brady list. The bill provides that a law enforcement  
20 agency may dismiss, suspend, demote, or take other disciplinary  
21 action against an officer based on the underlying actions that  
22 resulted in the officer's name being placed on a Brady list  
23 including any impeachment evidence against the officer or  
24 evidence that the officer failed to provide a defendant with  
25 exculpatory evidence.