

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.