

Senate File 342 - Introduced

SENATE FILE 342
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 6)

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

25 Sec. 3. BRADY LIST INTERIM COMMITTEE.

26 1. The legislative council is requested to establish a Brady
27 list interim committee for the 2021 interim. The purpose of
28 the committee shall be to do all of the following:

29 *a.* Study the disclosure of information contained in officer
30 personnel files as such information relates to a Brady list as
31 defined in section 80F.1.

32 *b.* Study the efficiency of implementing a statewide system
33 for a Brady list, identifying impartial entities to conduct
34 investigations pertaining to an officer's acts or omissions to
35 act, and recommending the appropriate procedures, due process

1 protections, appeal rights, and criteria for the placement and
2 removal of an officer's name on and from a Brady list.

3 c. Study any other issues that the committee determines
4 relevant to its objective. The committee may solicit the
5 advice or testimony of any organization or individual with
6 information or expertise relevant to the purpose of the
7 committee.

8 2. The committee shall consist of three members of the
9 senate appointed by the majority leader of the senate, two
10 members of the senate appointed by the minority leader of
11 the senate, three members of the house of representatives
12 appointed by the speaker of the house of representatives,
13 and two members of the house of representatives appointed
14 by the minority leader of the house of representatives.
15 Additional committee members shall include the commissioner
16 of the department of public safety or the commissioner's
17 designee, a district court judge appointed by the supreme
18 court, two representatives from the Iowa sheriffs and deputies
19 association, and one representative from each of the following:
20 the Iowa county attorneys association, the Iowa police chiefs
21 association, the Iowa state police association, the Iowa peace
22 officers association, the Iowa fraternal order of police,
23 the Iowa professional fire fighters, the Iowa state troopers
24 association, and the Iowa state patrol supervisors association.
25 The Iowa sheriffs and deputies association members shall
26 include an officer in a supervisory position and an officer who
27 does not hold rank.

28 3. The committee shall elect a chairperson from the members
29 appointed.

30 4. The committee shall issue a report, including findings
31 and recommendations, to the governor and the general assembly
32 no later than December 16, 2021.

33

EXPLANATION

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

1 This bill relates to police officer disciplinary actions and
2 establishes a legislative interim committee.

3 The bill amends Code chapter 80F, relating to the rights of
4 officers and public safety and emergency personnel. The bill
5 prohibits an officer from being discharged, disciplined, or
6 threatened with discharge or discipline by a state, county, or
7 municipal law enforcement agency solely due to the inclusion
8 of the officer's name on a Brady list. The bill defines "Brady
9 list" as a list of officers maintained by the county attorney's
10 office, including officers who may have impeached themselves
11 as witnesses and officers who may have violated the pretrial
12 discovery rule requiring officers to turn over any evidence
13 that might be used to exonerate a defendant. However, a law
14 enforcement agency may dismiss, suspend, demote, or take other
15 disciplinary action against an officer based on the underlying
16 actions that resulted in the officer's name being placed on
17 a Brady list including any impeachment evidence against the
18 officer or evidence that the officer failed to provide a
19 defendant with exculpatory evidence.

20 The bill establishes a legislative interim committee
21 to study the disclosure of officer personnel files as such
22 information relates to a Brady list, study the efficiency of
23 implementing a statewide system for a Brady list, identify
24 impartial entities to conduct investigations pertaining to an
25 officer's acts and omissions to act, and recommend appropriate
26 procedures, due process protections, appeal rights, and
27 criteria for the placement and removal of an officer's name on
28 and from a Brady list. The committee may solicit the advice or
29 testimony of any organization or individual with information or
30 expertise relevant to its study.

31 The committee shall consist of 10 legislative members
32 and 12 members representing various interested stakeholder
33 organizations, the department of public safety, and the court.
34 The committee shall 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 list" as a list of officers
3 maintained by the county attorney's office, including officers
4 who may have impeached themselves as witnesses and officers
5 who may have violated the pretrial discovery rule established
6 by Brady v. Maryland, 373 U.S. 83 (1963) requiring officers
7 to turn over all evidence that might be used to exonerate a
8 defendant.

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