

**Senate File 6 - Introduced**

SENATE FILE 6

BY ZAUN

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

26 3. The committee shall elect a chairperson from the members  
27 appointed.

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

31 EXPLANATION

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

34 This bill relates to police officer disciplinary actions and  
35 establishes a legislative interim committee.

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. However, a law  
12 enforcement agency may dismiss, suspend, demote, or take other  
13 disciplinary action against an officer based on the underlying  
14 actions that resulted in the officer's name being placed on  
15 a Brady list including any impeachment evidence against the  
16 officer or evidence that the officer failed to provide a  
17 defendant with exculpatory evidence.

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

29 The committee shall consist of 10 legislative members  
30 and 10 members representing various interested stakeholder  
31 organizations, the department of public safety, and the court.  
32 The committee shall issue a report, including findings and  
33 recommendations, to the governor and the general assembly no  
34 later than December 16, 2021.

35 The bill defines "Brady list" as a list of officers

1 maintained by the county attorney's office, including officers  
2 who may have impeached themselves as witnesses and officers  
3 who may have violated the pretrial discovery rule established  
4 by Brady v. Maryland, 373 U.S. 83 (1963) requiring officers  
5 to turn over all evidence that might be used to exonerate a  
6 defendant.

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