A BILL FOR

1 An Act relating to certain public safety, public employment, 
2 and law enforcement matters, and providing penalties. 
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 8.31A Denial of state funds.

1. Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity reduces the budget of a law enforcement agency under the jurisdiction of the local entity unless the total budget of the local entity is reduced by an equal or larger percentage or the local entity provides sufficient justification under subsection 4.

2. State funds shall be denied to a local entity pursuant to subsection 1 by all state agencies for each state fiscal year that begins after the fiscal year in which the law enforcement agency's budget is reduced. State funds shall continue to be denied until eligibility to receive state funds is reinstated under section 8.31. However, any state funds for law enforcement purposes shall not be denied under this section.

3. A local entity's eligibility to receive state funds shall be reinstated beginning on the first day of the month following the date on which the local entity's budget is no longer in violation of this section.

4. a. A local entity may submit written justification to the department of management for any reductions in the local entity's law enforcement budget. Sufficient justification may include any of the following:

   (1) Reductions related to one-time capital or one-time equipment or vehicle purchases in the prior fiscal year.

   (2) Reductions related to lower personnel cost of law enforcement personnel due only to lower cost entry-level law enforcement personnel replacing prior law enforcement personnel.

   (3) Reductions due to the merging or consolidation of jail services or communications and dispatch services or the merging of law enforcement agencies.

   (4) Reductions due to reduced population in a jurisdiction served by a law enforcement agency.
b. Notwithstanding any other provision of the Code, detailed information shall be required by any local entity, as described in rules, for any necessary budgetary information.

5. The department of management shall adopt rules pursuant to chapter 17A to implement this section uniformly across state agencies from which state funds are distributed to local entities.

6. For purposes of this section, "local entity" means the governing body of a city or county. "Local entity" includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.

Sec. 2. Section 20.1, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. Determining appropriate bargaining units, amending the composition of previously determined bargaining units represented by a certified employee organization, reconsidering and altering the composition of previously determined employee organization, and conducting representation elections.

Sec. 3. Section 20.3, subsection 11, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A peace officer employed by a regents institution.

Sec. 4. Section 20.13, Code 2021, is amended to read as follows:

20.13 Bargaining unit determination, amendment, and reconsideration.

1. Board The board's determination of an appropriate bargaining unit shall be upon petition filed by a public employer, public employee, or employee organization. Except as provided in subsection 4, the board's amendment of the composition of a represented bargaining unit shall be upon petition filed by the employer or certified representative
of the bargaining unit. The board’s reconsideration of the
composition of a previously determined bargaining unit which is
not represented by a certified representative shall be upon the
combined petition of an employee organization which also seeks
a representation election pursuant to section 20.14, subsection
2.

2. Within thirty days of receipt of a petition, the board
shall conduct a public hearing, receive written or oral
testimony, and promptly thereafter file an order defining
the appropriate bargaining unit, amending or refusing to
amend the composition of a represented bargaining unit or
reconsidering and altering or refusing to alter the composition
of an unrepresented bargaining unit. In defining the unit,
or determining whether a unit should be amended or altered
in response to a petition for amendment or reconsideration,
the board shall take into consideration, along with other
relevant factors, the principles of efficient administration
of government, the existence of a community of interest among
public employees, the history and extent of public employee
organization, geographical location, and the recommendations
of the parties involved.

3. Appeals from such order shall be governed by the
provisions of chapter 17A.

4. Professional and nonprofessional employees shall not
be included in the same bargaining unit unless a majority of
both agree.

4. Notwithstanding the provisions of subsection 1, a
petition to amend the composition of a represented bargaining
unit by the removal of public safety employees may be filed
by a public safety employee who is a member of the bargaining
unit. If the petition is accompanied by evidence satisfactory
to the board that the public safety employees in the bargaining
unit do not constitute at least thirty percent of the employees
in the unit and that a majority of the public safety employees
in the unit support the petition, the board shall conduct
a hearing within thirty days of its finding such evidence satisfactory and shall promptly thereafter issue an order granting or denying the requested amendment. If the board amends the composition of the bargaining unit by removing public safety employees, those employees may immediately be the subject of a separate bargaining unit determination petition filed in accordance with subsection 1.

5. Appeals from such orders shall be governed by the provisions of chapter 17A.

Sec. 5. Section 80E.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The governor’s office of drug control policy shall not expend any moneys received from any state or federal grants to a local entity that reduces the budget of a law enforcement agency under the jurisdiction of the local entity unless the total budget of the local entity is reduced by an equal or larger percentage. However, any moneys for law enforcement purposes shall not be denied under this section.

For purposes of this subsection, “local entity” means the governing body of a city or county.

Sec. 6. Section 80F.1, subsection 13, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

13. An officer who has suffered any injury, personal or otherwise, during the performance of official duties or directly related to the officer’s status as an officer, including due to a person knowingly filing a false complaint against the officer, shall have the right to pursue civil remedies under the law against any person, group of persons, organization, corporation, or the head of an organization or corporation, for damages including but not limited to actual damages, court costs, and reasonable attorney fees.

Sec. 7. NEW SECTION. 80I.1 Purpose — construction.

It is the purpose of this chapter to prohibit disparate treatment in law enforcement, including racial and ethnic
profiling, to foster trust and cooperation with law enforcement in Iowa communities and to create a safer state for all Iowans.

Sec. 8. NEW SECTION. 80I.2 Definitions.
As used in this chapter, unless the context otherwise requires:

1. "Board" means the justice and community policing advisory board established in section 216A.132.

2. "Disparate treatment" means differential treatment of a person on the basis of personal demographics. "Disparate treatment" does not include reliance on a specific subject description-based identification.

3. "Law enforcement activities" means activities performed by law enforcement officers including but not limited to noncustodial questioning; interviews; vehicle, bicycle, pedestrian, check point and roadblock stops; frisks and other types of body searches; consensual and nonconsensual searches of a person or the property of a person; consensual and nonconsensual home searches; and in-person or electronic contact with potential victims of and witnesses to a crime. With regard to vehicle, bicycle, and pedestrian stops, "law enforcement activities" includes not only law enforcement actions that occur when initiating a stop but also law enforcement actions that occur during the course of a stop, including asking questions, frisks, consensual and nonconsensual searches of a person or any property of a person, seizing any property, removing occupants from a motor vehicle during a traffic stop, issuing a warning or citation, and making an arrest.

4. "Law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the prevention and detection of crime and the enforcement of the criminal laws of this state.

5. "Law enforcement officer" means the same as defined in...
1 section 80B.3.
2 6. "Law enforcement services" means activities that
3 contribute to the overall well-being and safety of the
4 public to include but not be limited to crime prevention and
5 investigation, preventative patrols, traffic control, traffic
6 accident response, medical emergency services and lifesaving
7 services, assistance at fire scenes, and public information and
8 education.
9 7. "Personal demographics" means personal characteristics
10 which include but are not limited to race, creed, color,
11 national origin, ethnicity, religion, sex, gender identity or
12 expression, sexual orientation, physical or mental disability,
13 or any other identifiable characteristics.
14 8. "Specific subject description-based identification"
15 means a reasonably detailed description of a specific person
16 including personal identifying characteristics of a potential
17 suspect or victim, including personal demographics.
18 9. "Stop" means the detention or temporary detention of
19 a person by a law enforcement officer, regardless of whether
20 a written warning or ticket is issued, an arrest is made,
21 a verbal warning is given, or the person is released from
22 detention or temporary detention.
23 Sec. 9. NEW SECTION. 80I.3 Disparate treatment prohibited.
24 1. A state or local law enforcement officer or civilian
25 employee of a law enforcement agency performing law enforcement
26 activities or delivering law enforcement services shall not
27 engage in the disparate treatment of any person.
28 2. A law enforcement officer shall not engage in disparate
29 treatment when detaining a person, conducting a stop, or
30 engaging in any other interactions with a person subsequent to
31 a stop.
32 Sec. 10. NEW SECTION. 80I.4 Data collection and reporting.
33 1. Each state and local law enforcement agency shall
34 collect and compile data on every stop conducted by a law
35 enforcement officer during a calendar year, and shall submit
an annual report, no later than November 1, to the division of
criminal and juvenile justice planning of the department of
human rights. The following information shall be collected,
compiled, and reported when a law enforcement officer stops a
person and requests the person’s identification:

a. The time, date, and location of the stop.

b. The nature of the alleged law violation that resulted in
the stop.

c. Whether an arrest was made.

d. Whether a search was conducted as a result of the stop.

e. Whether an oral or written warning was given or a
citation was issued.

f. The offense the person was arrested for, if applicable.

g. The identifying characteristics of the person including
the person’s race or ethnicity, sex, and age.

h. Any other information which the law enforcement officer
or law enforcement agency considers appropriate.

2. In consultation with law enforcement agencies, the
board, the department of public safety, and the division of
criminal and juvenile justice planning of the department of
human rights shall develop a uniform manner for each law
enforcement agency to report the information described in
subsection 1.

Sec. 11. NEW SECTION. 80I.5 Data analysis.
The division of criminal and juvenile justice planning of
the department of human rights shall compile all data reported
pursuant to section 80I.4, analyze the data in a timely manner,
and provide an analysis of the data along with the compiled
data to the board no later than December 1 of each year. The
report shall be accessible to the public from a prominent place
on the board’s website.

Sec. 12. NEW SECTION. 80I.6 Investigations — civil
remedies.

1. A law enforcement agency shall investigate all alleged
violations of section 80I.3 administratively, including through
the law enforcement agency’s human resource office or internal affairs office.

2. A person shall have the right to pursue civil remedies under chapters 669 and 670 for violations of section 80I.3.

Sec. 13. Section 216A.3, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph "a", "permanent commissions" means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, justice and community policing advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

Sec. 14. Section 216A.131, subsection 2, Code 2021, is amended to read as follows:

2. "Board" means the justice and community policing advisory board.

Sec. 15. Section 216A.132, subsection 1, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

1. A justice and community policing advisory board is established consisting of thirty-two members who shall all reside in the state.

a. The governor shall appoint thirteen voting members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) A sheriff who is a member of the Iowa state sheriffs’ and deputies’ association.

(2) A chief of police who is a member of the Iowa police
1 chiefs association.
2   (3) A peace officer who is a member of the Iowa peace
3 officers association.
4   (4) A peace officer who is a member of the fraternal order
5 of police.
6   (5) A peace officer who is a member of the Iowa state police
7 association.
8   (6) A representative from the Iowa–Nebraska national
9 association for the advancement of colored people.
10  (7) A representative from the American civil liberties
11 union of Iowa.
12  (8) A representative from the Iowa coalition for collective
13 change.
14  (9) One person who was formerly under juvenile court or
15 correctional supervision.
16  (10) A representative from the office of the state public
17 defender.
18  (11) A representative from the Iowa county attorneys
19 association.
20  (12) Two persons representing the general public who are
21 not employed in any law enforcement, judicial, or corrections
22 capacity, including one person who is older than fifteen years
23 of age but less than twenty-five years of age.
24 b. The following shall serve on the board as ex officio,
25 nonvoting members:
26   (1) The chairperson of the commission on the status of
27 African Americans or its designee.
28   (2) The chairperson of the commission of Latino affairs or
29 its designee.
30   (3) The chairperson of the commission of Asian and Pacific
31 Islander affairs or its designee.
32   (4) The chairperson of the commission of Native American
33 affairs or its designee.
34   (5) The director of the department of human services or its
35 designee.
1 (6) The director of the department of public health or its
desigee.
2 (7) The commissioner of the department of public safety or
its desigee.
3 (8) The director of the Iowa law enforcement academy or its
desigee.
4 (9) The director of the department of corrections or its
desigee.
5 (10) The chairperson of the board of parole or its designee.
6 (11) The attorney general or its designee.
7 (12) The director of the governor's office of drug control
policy or its designee.
8 (13) One member representing the judicial district
9 departments of correctional services designated by a majority
10 of the directors of the judicial district departments of
11 correctional services.
12 (14) The chief justice of the supreme court shall designate
13 the following:
14 (a) One member who is a district judge.
15 (b) One member who is either a district associate judge or
16 associate juvenile judge.
17 (15) The chairperson and ranking member of the senate
18 committee on judiciary shall be ex officio, nonvoting members.
19 In alternating two-year terms, beginning and ending as provided
20 in section 69.16B, the chairperson and ranking member of the
21 house committee on judiciary or of the house committee on
22 public safety shall be ex officio, nonvoting members, with the
23 chairperson and ranking member of the house committee on public
24 safety serving during the term beginning in January 2022.
25 Sec. 16. Section 216A.133, subsection 3, paragraph o, Code
26 2021, is amended by adding the following new subparagraph:
27 NEW SUBPARAGRAPH. (9) Potential disparity in law
28 enforcement activities and the delivery of law enforcement
29 services.
30 Sec. 17. Section 216A.133, subsection 3, Code 2021, is
amended by adding the following new paragraphs:

NEW PARAGRAPH. s. Studying and making recommendations for eliminating disparity in law enforcement activities and the delivery of law enforcement services.

NEW PARAGRAPH. t. Recommending to the department the adoption of rules pursuant to chapter 17A as it deems necessary for the collection, compilation, and reporting of stop data pursuant to section 801.4.

Sec. 18. Section 216A.135, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. An assessment and analysis of the collection, compilation, and reporting of stop data compiled by law enforcement agencies, including an analysis of disparate treatment based on personal demographics across geographic areas of the state, the past and current status of racial profiling across the state, and the impact on law enforcement stop, search, and seizure tactics.

Sec. 19. NEW SECTION. 321.182A Application for driver’s license or nonoperator’s identification card — race and ethnicity.

1. The department shall request that a person who applies for a driver’s license or nonoperator’s identification card or for renewal of a driver’s license or nonoperator’s identification card disclose and specify the person’s race or ethnicity, each of which may be disclosed and specified to the department at the person’s discretion.

2. Prior to January 15, 2023, and prior to January 15 of each year thereafter, the department shall submit a report to the general assembly detailing the number of driver’s license and nonoperator’s identification card holders who have disclosed and specified a race or ethnicity pursuant to subsection 1.

3. The department shall electronically maintain as part of a person’s record, and in the machine-readable portion of the driver’s license or nonoperator’s identification card, the...
race and ethnicity information obtained by the department, but not include such information on the face of the person's driver's license or nonoperator's identification card. Race and ethnicity information collected by the department shall be accessible by an officer or employee of a law enforcement agency for use in carrying out the agency's functions as permitted by law, but shall be considered confidential information and is not a public record or otherwise subject to disclosure under chapter 22. The department shall not otherwise release race and ethnicity information collected under this section except to any of the following:

a. The justice and community policing advisory board established in section 216A.132.

b. The state court administrator for use in carrying out the administrator's functions as permitted by law.

c. The division of criminal and juvenile justice planning of the department of human rights for use in research activities and in producing statistical reports and analysis as permitted by law.

4. For the collection of race and ethnicity information pursuant to this section, the department shall follow, to the extent practicable, the race and ethnicity categories, descriptors, and standards utilized by the United States census bureau.

5. The department may adopt rules to administer this section.

Sec. 20. Section 321.366, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Operate a bicycle, skateboard, or other pedestrian conveyance or be a pedestrian anywhere on the fully controlled-access facility. For purposes of this paragraph, "pedestrian conveyance" means any human-powered device by which a pedestrian may move other than by walking or by which a walking person may move another pedestrian, including but not limited to strollers and wheelchairs.
Sec. 21. Section 331.604, subsection 3, paragraph b, subparagraph (3), Code 2021, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (c) Implementing and maintaining a process for redacting the names of any law enforcement officer, as defined in section 80B.3, or state or federal judicial officer or state or federal prosecutor contained in electronic documents that are displayed for public access through an internet site.

Sec. 22. Section 622.10, subsection 9, paragraphs a and b, Code 2021, are amended to read as follows:

a. A peer support group counselor who obtains information from an officer or a civilian employee of a law enforcement agency or fire department by reason of the counselor’s capacity as a peer support group counselor shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the counselor by the officer or civilian employee while receiving counseling.

b. The prohibition in this subsection does not apply where the officer or civilian employee has consented to the disclosure of the information specified in paragraph “a” or where the peer support group counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the officer or civilian employee.

Sec. 23. Section 708.1, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) Intentionally points a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. For purposes of this paragraph, “laser” means a device that emits a visible light beam amplified by the stimulated emission of radiation and any light which simulates the appearance of a laser.

(2) This paragraph does not apply to any of the following:

(a) A law enforcement officer who uses a laser in
discharging or attempting to discharge the officer's official duties.

(b) A health care professional who uses a laser in providing services within the scope of practice of that professional or any other person who is licensed or authorized by law to use a laser or who uses a laser in the performance of the person's official duties.

(c) A person who uses a laser to play laser tag, paintball, and other similar games using light-emitting diode technology.

Sec. 24. Section 708.3A, subsections 1, 2, 3, and 4, Code 2021, are amended to read as follows:

1. A person who commits an assault, as defined in section 708.1, against a peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, whether paid or volunteer, or civilian employee of a fire department, with the knowledge that the person against whom the assault is committed is a peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, or civilian employee of a fire department, and with the intent to inflict a serious injury upon the peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, or civilian employee of a fire department, is guilty of a class "D" "C" felony, with a mandatory minimum term of imprisonment of two years.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member
or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, whether paid or volunteer, or civilian employee of a fire department, who knows that the person against whom the assault is committed is a peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, or civilian employee of a fire department, who

who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" "C" felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, a civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, whether paid or volunteer, or civilian employee of a fire department, who knows that the person against whom the assault is committed is a peace officer, a civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, or civilian employee of a fire department, and

who causes bodily injury or mental illness, is guilty of an aggravated misdemeanor, a class "D" felony, with a mandatory minimum term of imprisonment of one year.

4. Any other assault, as defined in section 708.1, committed against a peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, or civilian employee of a fire department whether paid or volunteer, by a person who knows
that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, or fire fighter, is a serious aggravated misdemeanor.

Sec. 25. Section 708.7, subsection 2, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Commits harassment against another person who is lawfully in a place of public accommodation.

Sec. 26. NEW SECTION. 708.7A Bias-motivated harassment of persons engaged in certain occupations.

1. A person commits bias-motivated harassment when the person maliciously, and with the intent to intimidate, annoy, or alarm another person because of that person's actual or perceived employment as a peace officer, civilian employee of a law enforcement agency, jailer, correctional staff, member of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, fire fighter, whether paid or volunteer, or civilian employee of a fire department causes any of the following:

a. Death or serious bodily harm to another person.

b. Bodily injury.

c. Damage to or destruction of any real or personal property of another person without permission and the amount of damage to the property exceeds seven hundred fifty dollars or the value of the property exceeds seven hundred fifty dollars.

2. a. A person who commits bias-motivated harassment in violation of subsection 1, paragraph "a", is guilty of a class "C" felony.

b. A person who commits bias-motivated harassment in violation of subsection 1, paragraph "b" or "c", is guilty of a class "D" felony.

3. Each violation of this section shall constitute a
1 separate offense and shall not merge with any other crime.
2 4. A sentence imposed under this section shall run
3 consecutive to any sentence for any other offense related to
4 the act or acts establishing an offense of bias-motivated
5 harassment.
6 5. In addition to any sentence imposed for a violation of
7 subsection 1, paragraph "c", the court shall include an order
8 of restitution for any property damage or loss incurred as a
9 result of the offense.
10 Sec. 27. Section 716.4, subsection 1, Code 2021, is amended
11 to read as follows:
12 1. Criminal mischief is criminal mischief in the second
13 degree if the any of the following apply:
14 a. The cost of replacing, repairing, or restoring the
15 property that is damaged, defaced, altered, or destroyed
16 exceeds one thousand five hundred dollars but does not exceed
17 ten thousand dollars.
18 b. The acts damage, deface, alter, or destroy any publicly
19 owned property, including a monument or a statue. In addition
20 to any sentence imposed for a violation of this paragraph, the
21 court shall include an order of restitution for any property
22 damage or loss incurred as a result of the offense.
23 Sec. 28. Section 723.1, Code 2021, is amended to read as
24 follows:
25 723.1 Riot.
26 A riot is three or more persons assembled together in a
27 violent manner, to the disturbance of others, and with any use
28 of unlawful force or violence by them or any of them against
29 another person, or causing property damage. A person who
30 willingly joins in or remains a part of a riot, knowing or
31 having reasonable grounds to believe that it is such, commits
32 an aggravated misdemeanor a class “D” felony.
33 Sec. 29. Section 723.2, Code 2021, is amended to read as
34 follows:
35 723.2 Unlawful assembly.
An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a simple an aggravated misdemeanor.

Sec. 30. Section 723.4, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

723.4 Disorderly conduct.

1. A person commits a simple misdemeanor when the person does any of the following:

a. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

b. Makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

c. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

d. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

e. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

f. (1) Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault.

(2) As used in this paragraph:

(a) “Deface” means to intentionally mar the external

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appearance.

(b) "Defile" means to intentionally make physically unclean.

(c) "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

(d) "Mutilate" means to intentionally cut up or alter so as to make imperfect.

(e) "Show disrespect" means to deface, defile, mutilate, or trample.

(f) "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

(3) This paragraph does not apply to a flag retirement ceremony conducted pursuant to federal law.

2. A person commits a serious misdemeanor when the person, without lawful authority or color of authority, obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

3. A person commits an aggravated misdemeanor when the person commits disorderly conduct as described in subsection 2 and does any of the following:

a. Obstructs or attempts to obstruct a fully controlled-access facility on a highway, street, or road in which the speed restriction is controlled by section 321.285, subsection 3 or 5.

b. Commits property damage.

c. Is present during an unlawful assembly as defined in section 723.2.

4. A person commits a class "D" felony when the person commits disorderly conduct as described in subsection 2 and does any of the following:

a. Is present during a riot as defined in section 723.1.

b. Causes bodily injury.

5. A person commits a class "C" felony when the person commits disorderly conduct as described in subsection 2 and the person causes serious bodily injury or death.
Section 804.21, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding any other provision in this section:

a. A defendant arrested for the offense of criminal mischief, as defined in section 716.4, subsection 1, paragraph "b"; rioting, as defined in section 723.1; unlawful assembly, as defined in section 723.2; or disorderly conduct, as defined in section 723.4, subsections 2 and 3, shall be held for at least twenty-four hours after the time of the arrest. The court may, however, release the defendant in less than twenty-four hours if the court finds that the defendant is not likely to immediately resume the criminal behavior based on the circumstances of the arrest and the defendant's prior criminal history, if any.

b. The findings of the court shall be reduced to writing. The written findings shall be attached to the warrant and be preserved as a permanent part of the record. The arresting officer shall make official note of the time of the arrest in order to establish the beginning of the twelve-hour period required by this subsection.

EXPLANATION

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

This bill relates to certain public safety, public employment, and law enforcement matters, and provides penalties.

DENIAL OF STATE FUNDS — LAW ENFORCEMENT AGENCY BUDGETS. The bill provides that a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity reduces the budget of their law enforcement agency unless the total budget of the local entity is reduced by an equal or larger percentage or the local entity provides sufficient justification for the reduction. A local entity may submit written justification to
1 the department of management for any reductions in the local
2 entity’s law enforcement budget. Sufficient justification may
3 include: reductions related to one-time capital or one-time
4 equipment or vehicle purchases in the prior fiscal year;
5 reductions related to lower personnel cost of law enforcement
6 personnel due only to lower cost entry-level law enforcement
7 personnel replacing prior law enforcement personnel; reductions
8 due to the merging or consolidation of jail services or
9 communications and dispatch services or the merging of law
10 enforcement agencies; and reductions due to reduced population
11 in a jurisdiction served by a law enforcement agency. State
12 funds shall be denied to a local entity by all state agencies
13 for each state fiscal year that begins after the fiscal year in
14 which the law enforcement agency’s budget is reduced. State
15 funds shall continue to be denied until eligibility to receive
16 state funds is reinstated under Code section 8.31. State
17 funds for law enforcement purposes shall not be denied. The
18 department of management is directed to adopt rules pursuant to
19 Code chapter 17A. The governor’s office of drug control policy
20 shall not expend any moneys received from any state or federal
21 grants to a local entity that reduce the budget of their law
22 enforcement agency unless the total local entity budget is
23 reduced by an equal or larger percentage. Any moneys for law
24 enforcement purposes shall not be denied.
25
26 COLLECTIVE BARGAINING. The bill makes changes to public
27 employment collective bargaining and bargaining unit
28 determinations. The bill includes a peace officer employed by
29 a regents institution in the definition of a “public safety
30 employee”, and allows public safety employees to be the subject
31 of a separate bargaining unit if they comprise fewer than 30
32 percent of the current unit and the majority of the public
33 safety employees support a petition to form a new unit.
34
35 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL
36 OF RIGHTS. The bill provides that an officer who has suffered
37 any injury, personal or otherwise, during the performance of
1 official duties or directly related to the officer’s status as
2 an officer, including due to a person knowingly filing a false
3 complaint against the officer, shall have the right to pursue
4 civil remedies under the law against any person, group of
5 persons, or organization or corporation including the head of
6 an organization or corporation, for damages including but not
7 limited to actual damages, court costs, and reasonable attorney
8 fees.
9  DISPARATE TREATMENT BY LAW ENFORCEMENT. The bill creates
10 a new Code chapter concerning disparate treatment by law
11 enforcement. The bill provides that it is the purpose of
12 the Code chapter to prohibit disparate treatment by law
13 enforcement, including racial and ethnic profiling, to
14 foster trust and cooperation with law enforcement in Iowa
15 communities and to create a safer state for all Iowans.
16 “Disparate treatment” is defined as the differential treatment
17 by a law enforcement officer of a person on the basis of
18 personal demographics, but does not include reliance on a
19 specific subject description-based identification. “Personal
demographics” is defined as personal characteristics which
20 include but are not limited to race, creed, color, national
21 origin, ethnicity, religion, sex, gender identity or
22 expression, sexual orientation, physical or mental disability,
23 or any other identifiable characteristics. “Specific
24 subject description-based identification” is defined as a
25 reasonably detailed description of the personal identifying
26 characteristics of a potential suspect or victim, including
27 personal demographics. The bill also defines “law enforcement
28 activities”, “law enforcement agency”, “law enforcement
29 officer”, “law enforcement services”, and “stop”.
30 The bill provides that a state or local law enforcement
31 officer or civilian employee of a law enforcement agency
32 performing law enforcement activities or delivering law
33 enforcement services shall not engage in the disparate
34 treatment of any person.
The bill directs each state and local law enforcement agency to collect and compile data on every stop conducted by a law enforcement officer of the agency during a calendar year, and to submit an annual report to the division of criminal and juvenile justice planning of the department of human rights. The following information shall be collected, compiled, and reported when a law enforcement officer stops a person and requests a person's identification: the time, date, and location of the stop; the nature of the alleged law violation that resulted in the stop; whether an arrest was made; whether a search was conducted as a result of the stop; whether an oral or written warning was given or a citation issued; the offense the person was arrested for, if applicable; the identifying characteristics of the person stopped including race or ethnicity, sex, and age; and any other information which the officer or law enforcement agency considers appropriate. In consultation with law enforcement agencies, the justice and community policing board established in the bill, the department of public safety, and the division of criminal and juvenile justice planning of the department of human rights shall develop a uniform manner for each law enforcement agency to report the information. The division of criminal and juvenile justice planning of the department of human rights shall compile all data reported, analyze the data in a timely manner, and provide an analysis of the data along with the compiled data to the board by November 1 of each year. The report shall be accessible to the public from a prominent place on the board's website.

The bill provides that a law enforcement agency shall investigate all violations concerning disparate treatment by law enforcement administratively, and that a person shall have the right to pursue civil remedies under Code chapters 669 (state tort claims) and 670 (tort liability of governmental subdivisions).
changes the name of the justice advisory board created in Code section 216A.132 to the justice and community policing advisory board, and increases board membership from 28 to 32 members. The bill provides for the appointment of members of the advisory board by the governor as well as other ex officio, nonvoting members.

The bill adds the following duties to the justice and community policing advisory board: providing the general assembly with an analysis and recommendations of current criminal code provisions and proposed legislation regarding potential disparity in law enforcement activities and the delivery of law enforcement services; studying and making recommendations for eliminating disparity in law enforcement activities and the delivery of law enforcement services; and recommending to the department of human services the adoption of rules pursuant to Code chapter 17A for the collection, compilation, and reporting of stop data.

DRIVER’S LICENSE AND NONOPERATOR IDENTIFICATION CARDS APPLICATIONS — RACE AND ETHNICITY. The bill provides that a person applying for a driver’s license or a nonoperator’s identification card will be requested by the department of transportation to specify the person’s race or ethnicity. The bill requires the department to make an annual report to the general assembly regarding the number of persons who have disclosed and specified a race or ethnicity. Race and ethnicity information shall only be released to a law enforcement officer, an employee of a law enforcement agency, the justice and community policing advisory board, the state court administrator, and the division of criminal and juvenile justice planning of the department of human rights.

ACTS CONTROLLED ON FULLY CONTROLLED-ACCESS FACILITIES. The bill provides that it is unlawful for a person to operate a bicycle, skateboard, or other pedestrian conveyance or be a pedestrian anywhere on a fully controlled-access facility. A violation is punishable as a scheduled operating violation
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1 under Code section 805.8A. The fine for a violation is $135.
2 COUNTY RECORDER FILING FEE. The bill provides that a
3 county recorder shall collect an additional fee of $1 for
4 each recorded transaction for which a fee is paid under Code
5 section 331.604(1), which may be used for implementing and
6 maintaining a process for redacting the names of any state or
7 federal judicial officer, state or federal prosecutor, or law
8 enforcement officer contained in electronic documents that are
9 displayed for public access through an internet site.
10 COMMUNICATIONS IN PROFESSIONAL CONFIDENCE. The bill
11 provides that a peer support group counselor who obtains
12 information from an officer or a civilian employee of a law
13 enforcement agency or fire department shall not be allowed, in
14 giving testimony, to disclose any confidential communication
15 properly entrusted to the counselor by the officer or civilian
16 employee while receiving counseling. The officer or civilian
17 employee may consent to the disclosure.
18 ASSAULTS. The bill adds intentionally pointing a laser
19 emitting a visible light beam at another person with the
20 intent to cause pain or injury to another to the definition of
21 assault. This definition does not apply to a law enforcement
22 officer who uses a laser in discharging or attempting to
23 discharge the officer’s official duties, to a health care
24 professional who uses a laser in providing services or to any
25 other person who is licensed or authorized by law to use a
26 laser or uses it in the performance of the person’s official
27 duties, or to a person who uses a laser to play tag, paintball,
28 and other similar games using light-emitting diode technology.
29 The bill amends Code section 708.3A relating to assaults
30 on persons engaged in certain occupations by adding a civil
31 employee of a law enforcement agency and a civil employee of
32 a fire department to the list of persons engaged in certain
33 occupations against whom an assault is committed and increasing
34 the penalties for violations of the Code section. A person who
35 commits an assault against any of the persons listed in the
1 Code section with the intent to inflict a serious injury, or
2 who uses or displays a dangerous weapon in connection with the
3 assault, commits a class "C" felony; a person who commits an
4 assault against any of the persons listed in the Code section
5 who uses or displays a dangerous weapon in connection with the
6 assault commits a class "C" felony; a person who commits an
7 assault which causes bodily injury or mental illness commits a
8 class "D" felony, with a mandatory minimum term of imprisonment
9 of one year; and a person who commits any other assault commits
10 an aggravated misdemeanor.

11 HARASSMENT. The bill provides that a person commits
12 harassment in the first degree when the person commits
13 harassment against another person who is lawfully in a place
14 of public accommodation. Harassment in the first degree is an
15 aggravated misdemeanor.

16 The bill creates new Code section 708.7A relating to
17 bias-motivated harassment of persons engaged in certain
18 occupations. The bill provides that a person commits
19 bias-motivated harassment when such person maliciously, and
20 with the intent to intimidate, annoy, or alarm another person
21 because of that person's actual or perceived employment as a
22 peace officer, civilian employee of a law enforcement agency,
23 jailer, correctional staff, member or employee of the board of
24 parole, health care provider, employee of the department of
25 human services, employee of the department of revenue, fire
26 fighter, whether paid or volunteer, or civilian employee of
27 a fire department causes either death or serious bodily harm
28 to another person, bodily injury, or damage to or destruction
29 of any real or personal property of another person without
30 permission and the amount of damages to the property exceeds
31 $750 or the value of the property exceeds $750. A person
32 who commits bias-motivated harassment is guilty of a class
33 "D" felony for causing bodily injury or property damage,
34 and a class "C" felony for causing death or serious bodily
35 harm. Each violation constitutes a separate offense and
shall not merge with any other crime. A sentence imposed for
bias-motivated harassment shall run consecutive to any sentence
for any other offense related to the act or acts establishing
an offense of bias-motivated harassment. The court shall order
restitution.
CRIMINAL MISCHIEF IN THE SECOND DEGREE. The bill provides
that acts of a person which damage, deface, alter, or destroy
any publicly owned property, including a monument or statue, is
criminal mischief in the second degree. Criminal mischief in
the second degree is a class "D" felony.
RIOT CRIMES. The bill increases the penalty for a riot crime
from an aggravated misdemeanor to a class "D" felony.
UNLAWFUL ASSEMBLY. The bill increases the penalty for
unlawful assembly from a simple misdemeanor to an aggravated
misdemeanor.
DISORDERLY CONDUCT. Current law provides that all
violations of Code section 723.4 (disorderly conduct) are
simple misdemeanors. The bill amends Code section 723.4 by
providing additional criminal penalties greater than a simple
misdemeanor for additional acts of disorderly conduct.
The bill provides that a person commits a serious
misdemeanor when the person, without lawful authority or
color of authority, obstructs or attempts to obstruct any
street, sidewalk, highway, or other public way, or obstructs or
tries to obstruct any business, business drive, parking lot,
or business access, with the intent to prevent or hinder its
lawful use by others.
The bill provides that a person commits an aggravated
misdemeanor when the person, without lawful authority or color
of authority, obstructs any street, sidewalk, highway, or other
public way with the intent to prevent or hinder its lawful use
by others and does any of the following: obstructs or attempts
to obstruct a fully controlled-access facility or a highway,
street, or road in which a speed restriction is controlled
under Code section 321.285(3) or (5); commits property damage;
1 or is present during an unlawful assembly, as defined in Code
2 section 723.2.
3 The bill provides that a person commits a class "D"
4 felony when the person, without lawful authority or color of
5 authority, obstructs any street, sidewalk, highway, or other
6 public way with the intent to prevent or hinder its lawful use
7 by others and is present during a riot, as defined in Code
8 section 723.1; or causes bodily injury.
9 The bill provides that a person commits a class "C"
10 felony when the person, without lawful authority or color of
11 authority, obstructs any street, sidewalk, highway, or other
12 public way with the intent to prevent its unlawful use by
13 others and serious injury or death results.
14 ARREST BY WARRANT — CERTAIN CRIMES — HOLDING PERIOD. The
15 bill provides that a defendant arrested for criminal mischief
16 in the second degree for an act that damages, defaces, alters,
17 or destroys any publicly owned property including a monument or
18 statue; for rioting; unlawful assembly; or disorderly conduct
19 shall not be released within 24 hours of the time of arrest.
20 The court may release the defendant in less than 24 hours if
21 the court finds that the defendant is not likely to immediately
22 resume the criminal behavior based on the circumstances of the
23 arrest and the defendant’s criminal history. Court findings
24 shall be in writing and shall be attached to the warrant.
25 PENALTY PROVISIONS. A class "C" felony is punishable
26 by confinement for no more than 10 years and a fine of at
27 least $1,370 but not more than $13,660. A class "D" felony
28 is punishable by confinement for no more than five years
29 and a fine of at least $1,025 but not more than $10,245. An
30 aggravated misdemeanor is punishable by confinement for no more
31 than two years and a fine of at least $855 but not more than
32 $8,540. A serious misdemeanor is punishable by confinement for
33 no more than one year and a fine of at least $430 but not more
34 than $2,560.