

House File 2592 - Introduced

HOUSE FILE 2592

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2295)

A BILL FOR

1 An Act relating to the placement of a police officer on a
2 Brady-Giglio list, including the right of a police officer
3 to petition the court and the standard of proof required for
4 actions regarding such placement.

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

1 Section 1. Section 80F.1, Code 2024, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 25. An officer shall have the right
4 to petition the district court, appeal, or intervene in an
5 action regarding a prosecuting agency's decision to place an
6 officer on a Brady-Giglio list. The district court shall
7 have jurisdiction over the review of the prosecuting agency's
8 decision. The district court shall perform an in camera review
9 of the of the evidence and may hold a closed hearing upon the
10 request of the officer or prosecuting agency, or upon the
11 court's own motion. The district court may affirm, modify,
12 or reverse a prosecuting agency's decision, and issue orders
13 or provide relief, including removal of the officer from a
14 Brady-Giglio list, as justice may require. Evidence presented
15 to the district court shall be provided under seal and kept
16 confidential unless otherwise provided by law and ordered by
17 the district court.

18 Sec. 2. NEW SECTION. 80F.3 Standard of proof.

19 The standard of proof for an allegation, administrative
20 charge, complaint, cause of action, claim, or defense under
21 this chapter shall be a preponderance of the evidence unless a
22 higher standard of proof is required by law.

23 EXPLANATION

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

26 This bill relates to the right of a police officer to
27 petition the court regarding placement on a Brady-Giglio list
28 by a prosecuting agency, and establishes the standard of proof
29 required for actions under Code chapter 80F.

30 The bill provides that an officer shall have the right to
31 petition the district court, appeal, or intervene in an action
32 regarding a prosecuting agency's decision to place an officer
33 on a Brady-Giglio list. The district court has jurisdiction
34 over the review of the prosecuting agency's decision. The
35 district court shall perform an in camera review of the

1 evidence and may hold a closed hearing upon the request of the
2 officer or prosecuting agency, or upon the court's own motion.
3 The court may affirm, modify, or reverse a prosecuting agency's
4 decision, and issue orders or provide relief, including removal
5 of the officer from a Brady-Giglio list. Evidence presented
6 to the district court shall be provided under seal and kept
7 confidential unless otherwise provided by law and ordered by
8 the district court.

9 The bill provides that the standard of proof for an
10 allegation, administrative charge, complaint, cause of
11 action, claim, or defense under Code chapter 80F shall be a
12 preponderance of the evidence unless a higher standard of proof
13 is required by law.