

House Study Bill 709 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act relating to law enforcement officers and reserve
2 peace officers, including the revocation or suspension of
3 certification by the Iowa law enforcement academy council,
4 administrative investigations under the peace officer,
5 public safety, and emergency personnel bill of rights, and
6 communications in professional confidence, and including
7 effective date provisions.

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

1 Section 1. Section 80B.13A, subsection 1, paragraphs a and
2 b, Code 2024, are amended to read as follows:

3 a. *“Final”* means that all appeals through a grievance
4 procedure, civil service action, or other cause of action or
5 procedure available to the officer ~~or civil service~~ have been
6 exhausted.

7 b. *“Serious misconduct”* means ~~improper or~~ illegal actions
8 taken by a law enforcement officer or reserve peace officer in
9 connection with the officer’s official duties including but not
10 limited to a conviction for a felony, fabrication of evidence,
11 repeated use of excessive force in violation of law, acceptance
12 of a bribe, or the commission of fraud.

13 Sec. 2. Section 80B.13A, subsection 2, paragraph c, Code
14 2024, is amended to read as follows:

15 c. ~~Left,~~ Knowingly left or voluntarily quit, or been
16 ~~laid off~~ when the officer was notified of a disciplinary
17 investigation or action was imminent or pending which could
18 that would have resulted in the law enforcement officer being
19 discharged or the reserve peace officer being removed for
20 serious misconduct, if the council determines that the officer
21 engaged in serious misconduct.

22 Sec. 3. Section 80B.13A, subsection 3, unnumbered paragraph
23 1, Code 2024, is amended to read as follows:

24 The council may revoke or suspend the certification of a law
25 enforcement officer or reserve peace officer and may publicly
26 or privately reprimand a law enforcement officer, reserve peace
27 officer, or employing agency due to any of the following:

28 Sec. 4. Section 80B.13A, Code 2024, is amended by adding the
29 following new subsections:

30 NEW SUBSECTION. 3A. A decision of the council to revoke
31 the certification of a law enforcement officer or reserve peace
32 officer, to suspend a law enforcement officer or reserve peace
33 officer’s certification, or any other action against an officer
34 or employing agency shall be made by a majority vote of the
35 council.

1 NEW SUBSECTION. 4A. An action for revocation or suspension
2 of the certification of a law enforcement officer or reserve
3 peace officer shall not be maintained by the council unless the
4 action is commenced within one hundred eighty days from the
5 date the law enforcement officer or reserve peace officer has
6 exhausted all actions, appeals, or procedures available to the
7 officer.

8 Sec. 5. Section 80B.13A, subsection 4, Code 2024, is amended
9 to read as follows:

10 4. a. An employing agency shall notify the council within
11 ten days of any termination of employment of a law enforcement
12 officer or appointment as a reserve peace officer. The
13 notification must state whether the law enforcement officer or
14 reserve peace officer was discharged or removed for serious
15 misconduct, ~~or whether the officer left, voluntarily quit, or~~
16 ~~was laid off when~~ was notified of a disciplinary investigation
17 or action was imminent or pending which could that would have
18 resulted in the officer being discharged or removed for serious
19 misconduct, whether the officer left or voluntarily quit, and
20 whether the action taken by the agency is final.

21 b. If after the employing agency submits a notification
22 under this subsection, the law enforcement officer or reserve
23 peace officer exercises any right to hold the decision of an
24 employing agency in abeyance, appeals, grieves, brings a cause
25 of action under section 80F.1, subsection 13, or contests the
26 officer's termination as provided by law, the employing agency
27 shall notify the council in writing within ten days of the
28 filing of such action by the officer.

29 c. Upon request by the council, the employing agency shall
30 provide any additional information or documentation about the
31 officer including confidential records or information under
32 section 22.7 or other applicable law to the council.

33 Sec. 6. Section 80F.1, subsection 1, paragraphs c and f,
34 Code 2024, are amended to read as follows:

35 c. *"Formal administrative investigation"* means an

1 investigative process ordered by a commanding officer of an
2 agency or commander's designee during which the investigation
3 and questioning of an officer is intended to gather evidence
4 to determine the merit of a complaint, which may be the basis
5 for administrative charges seeking the removal, discharge, or
6 suspension, or other disciplinary action against the officer.

7 *f.* "Officer" means a certified law enforcement officer,
8 fire fighter, emergency medical technician, paramedic,
9 medical provider, corrections officer, detention officer,
10 jailer, probation or parole officer, ~~communications officer~~
11 public safety telecommunicator, dispatcher, or any other
12 law enforcement officer certified in training or whose
13 certification is governed by the Iowa law enforcement academy,
14 and employed by a municipality, county, or state agency.

15 Sec. 7. Section 80F.1, subsection 5, Code 2024, is amended
16 to read as follows:

17 5. *a.* An officer who is the subject of a complaint, shall
18 at a minimum, be provided a written summary of the complaint
19 prior to an interview. If a collective bargaining agreement
20 applies, the complaint or written summary shall be provided
21 pursuant to the procedures established under the collective
22 bargaining agreement. If the complaint alleges domestic abuse,
23 sexual abuse, workplace harassment, or sexual harassment, an
24 officer shall not receive more than a written summary of the
25 complaint.

26 *b.* Upon written request of the officer or the officer's
27 legal counsel, the employing agency shall provide to the
28 officer or the officer's legal counsel a complete copy of the
29 officer's incident report and the officer's video or audio
30 recordings from the incident giving rise to the complaint
31 without unnecessary delay prior to an interview of the officer.
32 Nothing in this paragraph shall be construed to constitute a
33 disclosure of public records.

34 Sec. 8. Section 622.10, subsection 9, paragraph a, Code
35 2024, is amended to read as follows:

1 a. A peer support ~~group~~ counselor or individual present
2 for a individual or group crisis intervention who obtains
3 information from an officer or a civilian employee of a law
4 enforcement agency, emergency management agency, emergency
5 medical services agency, or fire department by reason of the
6 counselor's capacity as a peer support group counselor or an
7 individual's presence for a group crisis intervention shall not
8 be allowed, ~~in giving testimony~~, to disclose any confidential
9 communication properly entrusted to the counselor or individual
10 present for a group crisis intervention by the officer or
11 civilian employee while receiving counseling or group crisis
12 intervention, including in giving testimony.

13 Sec. 9. Section 622.10, subsection 9, paragraph c,
14 subparagraphs (1) and (2), Code 2024, are amended to read as
15 follows:

16 (1) "*Officer*" means a certified law enforcement officer,
17 fire fighter, emergency medical technician or medical provider,
18 paramedic, corrections officer, detention officer, jailer,
19 probation or parole officer, ~~communications officer~~ public
20 safety telecommunicator, dispatcher, emergency management
21 coordinator under chapter 29C, or any other law enforcement
22 officer certified by the Iowa law enforcement academy and
23 employed by a city, county, or state agency.

24 (2) ~~"Peer support group counselor"~~ "Peer support counselor"
25 means a law enforcement officer, fire fighter, civilian
26 employee of a law enforcement agency or fire department, or a
27 nonemployee counselor who has been designated as a peer support
28 group counselor by a sheriff, police chief, fire chief, or
29 department head of a law enforcement agency, fire department,
30 or emergency medical services agency, and who has received
31 training to provide emotional and moral support and counseling
32 to an officer or group who needs those services as a result of
33 an incident in which the officer or group was involved while
34 acting in the officer's or group's official capacity.

35 Sec. 10. EFFECTIVE DATE. This Act, being deemed of

1 immediate importance, takes effect upon enactment.

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EXPLANATION

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

4

5 This bill relates to law enforcement officers and reserve
6 peace officers, including the revocation or suspension of
7 certification by the Iowa law enforcement academy council,
8 administrative investigations under the peace officer,
9 public safety, and emergency personnel bill of rights, and
10 communications in professional confidence.

11 The bill provides that a "final" decision for purposes of
12 the revocation or suspension of the certification of a law
13 enforcement officer or peace officer by the council means
14 that all appeals through a grievance procedure, civil service
15 action, or other action or procedure available to the officer
16 have been exhausted, and "serious misconduct" includes the
17 repeated use of excessive force in violation of law.

18 The bill provides that the council shall revoke the
19 certification of a law enforcement officer or reserve peace
20 officer upon a finding that the law enforcement officer or
21 reserve peace officer knowingly left or voluntarily quit when
22 the officer was notified of a disciplinary investigation or
23 action that would have resulted in the law enforcement officer
24 being discharged or the reserve peace officer being removed for
25 serious misconduct, if the council determines that the officer
26 engaged in serious misconduct.

27 The bill provides that the council may revoke or suspend
28 the certification of a law enforcement officer or reserve
29 peace officer and may publicly or privately reprimand a law
30 enforcement officer, reserve peace officer, or employing
31 agency due to any of the following: a violation of any rules
32 authorized and adopted by the council; when an employing agency
33 recommends to the council that revocation or suspension would
34 be appropriate; or when the attorney general recommends that
35 revocation or suspension would be appropriate.

1 The bill amends current law to provide that notification
2 of the council by an employing agency of any termination of
3 employment of a law enforcement officer or appointment as a
4 reserve peace officer must state whether the law enforcement
5 officer or reserve peace officer was discharged or removed
6 for serious misconduct, whether the officer was notified
7 of a disciplinary investigation or action that would have
8 resulted in the officer being discharged or removed for serious
9 misconduct, whether the officer left or voluntarily quit, and
10 whether the action taken by the agency is final.

11 The bill provides that if a law enforcement officer or
12 reserve peace officer exercises any right to hold the decision
13 of an employing agency in abeyance, appeals, grieves, brings a
14 cause of action under Code section 80F.1(13), or contests the
15 officer's termination, the employing agency shall notify the
16 council in writing within 10 days of the filing of such action
17 by the officer.

18 The bill provides that a decision of the council to revoke
19 the certification of a law enforcement officer or reserve peace
20 officer, to suspend the certification of a law enforcement
21 officer or reserve peace officer, or any other action against
22 an officer or employing agency shall be made by a majority
23 vote of the council. An action for revocation or suspension
24 of the certification of a law enforcement officer or reserve
25 peace officer shall not be maintained by the council unless the
26 action is commenced within 180 days from the date the council
27 was notified of the grounds for the revocation or suspension.

28 The bill amends the definition of "formal administrative
29 investigation", in relation to formal administrative
30 investigations of officers, to include an investigative process
31 ordered by a commanding officer of an agency or commander's
32 designee during which the investigation and questioning of an
33 officer is intended to gather evidence to determine the merit
34 of a complaint filed against the officer. The bill amends
35 the definition of "officer" to include a paramedic, a medical

1 provider, a public safety telecommunicator, a dispatcher,
2 and any other law enforcement officer in training or whose
3 certification is governed by the Iowa law enforcement academy,
4 and employed by a municipality, county, or state agency.

5 The bill provides that upon written request of an officer or
6 an officer's legal counsel, the employing agency shall provide
7 to the officer or the officer's legal counsel a complete copy
8 of the officer's incident report and the officer's video or
9 audio recordings from the incident giving rise to the complaint
10 without unnecessary delay prior to an interview of the officer.
11 The bill provides that the provision of the report and audio
12 and video recordings shall not be construed to constitute a
13 disclosure of public records.

14 The bill provides that a peer support counselor or
15 individual present for individual or group crisis intervention
16 who obtains information from an officer or a civilian employee
17 of a law enforcement agency, emergency management agency,
18 emergency medical services agency, or fire department by reason
19 of the counselor's capacity as a peer support group counselor
20 or an individual's presence for a group crisis intervention
21 shall not be allowed to disclose any confidential communication
22 properly entrusted to the counselor or individual present for a
23 group crisis intervention by the officer or civilian employee
24 while receiving counseling or group crisis intervention,
25 including in giving testimony.

26 The bill takes effect upon enactment.