

Senate File 2134 - Introduced

SENATE FILE 2134

BY WEBSTER

A BILL FOR

1 An Act relating to the penalty for public employees and public
2 officials taking money from a public employer, and including
3 effective date provisions.

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

1 Section 1. Section 907.3, subsection 1, paragraph a, Code
2 2024, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (17) The defendant was a public employee
4 or public official at the time of the offense and the amount
5 taken by the defendant from the public employer exceeded seven
6 thousand five hundred dollars.

7 Sec. 2. Section 907.3, subsection 2, paragraph a, Code 2024,
8 is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (10) An offense for which the defendant
10 was a public employee or public official at the time of the
11 offense and the amount taken by the defendant from the public
12 employer exceeded seven thousand five hundred dollars.

13 Sec. 3. Section 907.3, subsection 3, Code 2024, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. *i.* A sentence for an offense for which
16 the defendant was a public employee or public official at the
17 time of the offense and the amount taken by the defendant
18 from the public employer exceeded seven thousand five
19 hundred dollars unless the defendant establishes, by clear
20 and convincing evidence, and the sentencing court finds and
21 states specifically on the record, the existence of mitigating
22 circumstances warranting a departure from the otherwise
23 applicable mandatory term of incarceration.

24 Sec. 4. Section 907.3, Code 2024, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 4. For the purposes of this section:

27 *a.* "Public employee" means any individual employed by a
28 public employer.

29 *b.* "Public employer" means the state, its boards,
30 commissions, agencies, and departments, and its political
31 subdivisions including school districts and other special
32 purpose districts.

33 *c.* "Public official" means the same as defined in section
34 68B.2.

35 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate

1 importance, takes effect upon enactment.

2

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.

5

This bill prohibits a sentencing court from deferring
6 the judgment or deferring the sentence of a defendant if the
7 defendant was a public employee or public official at the time
8 of the offense and the amount of money taken by the public
9 employee or public official in connection with the offense
10 exceeded \$7,500.

11

The bill prohibits a sentencing court from suspending
12 the sentence of a defendant if the defendant was a public
13 employee or public official at the time of the offense and
14 the amount of money taken by the public employee or public
15 official in connection with the offense exceeded \$7,500 unless
16 the defendant establishes, by clear and convincing evidence,
17 and the sentencing court finds and states specifically on
18 the record, that mitigating circumstances exist warranting
19 a departure from the otherwise mandatory minimum term of
20 incarceration.

21

The bill defines "public employee" as any individual
22 employed by a public employer, "public employer" as the state,
23 its boards, commissions, agencies, and departments, and its
24 political subdivisions including school districts and other
25 special purpose districts, and "public official" as officials,
26 local officials, and members of the general assembly (as
27 defined in Code section 68B.2).

28

The bill takes effect upon enactment.