

Senate File 2338 - Introduced

SENATE FILE 2338
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2200)

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 or for refusing to prosecute
7 cases involving the officer. The district court shall have
8 jurisdiction over the review of the prosecuting agency's
9 decision. The district court shall perform an in camera review
10 of the of the evidence and may hold a closed hearing upon the
11 request of the officer or prosecuting agency, or upon the
12 court's own motion. The district court may affirm, modify,
13 or reverse a prosecuting agency's decision, and issue orders
14 or provide relief, including removal of the officer from a
15 Brady-Giglio list, as justice may require. Evidence presented
16 to the district court shall be provided under seal and kept
17 confidential unless otherwise provided by law and ordered by
18 the district court.

19 Sec. 2. NEW SECTION. 80F.3 **Standard of proof.**

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

24 EXPLANATION

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

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

31 The bill provides that an officer shall have the right to
32 petition the district court, appeal, or intervene in an action
33 regarding a prosecuting agency's decision to place an officer
34 on a Brady-Giglio list or for refusing to prosecute cases
35 involving the officer. The district court has jurisdiction

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

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