

House File 2233 - Introduced

HOUSE FILE 2233
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A BILL FOR

1 An Act relating to facial coverings worn by peace officers and
2 providing penalties.

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

unofficial

1 Section 1. NEW SECTION. **804.5A Facial coverings.**

2 1. For purposes of this section:

3 a. (1) "*Facial covering*" means any opaque mask, garment,
4 helmet, headgear, or other item that conceals or obscures the
5 facial identity of an individual including but not limited to a
6 balaclava, tactical mask, gator, ski mask, and any similar type
7 of facial covering or face-shielding item.

8 (2) "*Facial covering*" does not include any of the following:

9 (a) A translucent face shield or clear mask that does not
10 conceal the wearer's facial identity and is used in compliance
11 with the employing agency's policies and procedures.

12 (b) A medical or surgical mask to protect against
13 transmission of disease or infection or any other mask,
14 helmet, or device, including but not limited to air-purifying
15 respirators, full or half masks, or self-contained breathing
16 apparatus necessary to protect against exposure to any toxin,
17 gas, smoke, inclement weather, or any other hazardous or harmful
18 environmental condition.

19 (c) A mask, helmet, or device, including but not limited to a
20 self-contained breathing apparatus, necessary for underwater use.

21 (d) A motorcycle helmet when worn by an officer utilizing
22 a motorcycle or other vehicle that requires a helmet for safe
23 operations while in the performance of the officer's duties.

24 (e) Eyewear necessary to protect from the use of retinal
25 weapons, including but not limited to lasers.

26 b. "*Peace officer*" means a state patrol officer or a
27 regularly employed member of a police force of a city or county
28 as well as any officer or agent of a federal law enforcement
29 agency or any law enforcement agency from another state or any
30 person acting on behalf of a federal law enforcement agency or
31 law enforcement agency of another state.

32 2. A peace officer shall not wear a facial covering in the
33 performance of the officer's duties.

34 3. A peace officer who willfully and knowingly violates this
35 section is guilty of a serious misdemeanor.

1 4. Notwithstanding any other law, any peace officer who is
2 found to have committed an assault, battery, false imprisonment,
3 false arrest, abuse of process, or malicious prosecution, while
4 wearing a facial covering in a knowing and willful violation of
5 this section, shall not be entitled to assert any privilege or
6 immunity for the officer's tortious conduct against a claim of
7 civil liability, and shall be liable to the individual bringing
8 such claim for actual damages or statutory damages of not less
9 than ten thousand dollars, whichever is greater.

10 EXPLANATION

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

13 This bill relates to facial coverings worn by peace officers.

14 The bill provides that a peace officer shall not wear a
15 facial covering in the performance of the officer's duties.

16 A "facial covering" is defined as any opaque mask, garment,
17 helmet, headgear, or other item that conceals or obscures the
18 facial identity of an individual including but not limited to a
19 balaclava, tactical mask, gator, ski mask, and any similar type
20 of facial covering or face-shielding item. The bill lists items
21 not considered to be a "facial covering".

22 A person who violates the bill is guilty of a serious
23 misdemeanor. A serious misdemeanor is punishable by confinement
24 for no more than one year and a fine of at least \$430 but not
25 more than \$2,560.

26 The bill provides that a peace officer who is found to have
27 committed an assault, battery, false imprisonment, false arrest,
28 abuse of process, or malicious prosecution, while wearing a
29 facial covering in a knowing and willful violation of the bill,
30 is not entitled to assert any privilege or immunity for the
31 officer's tortious conduct against a claim of civil liability,
32 and shall be liable to the injured individual for actual damages
33 or statutory damages of not less than \$10,000, whichever is
34 greater.