

House File 2574 - Introduced

HOUSE FILE 2574
BY WILSON

A BILL FOR

1 An Act relating to the penalty for public employees and public
2 officials taking money from a public employer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 907.3, subsection 1, paragraph a, Code
2 2026, 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 ten
6 thousand dollars.

7 Sec. 2. Section 907.3, subsection 2, paragraph a, Code 2026,
8 is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (10) The defendant was a public employee
10 or public official at the time of the offense and the amount
11 taken by the defendant from the public employer exceeded ten
12 thousand dollars.

13 Sec. 3. Section 907.3, subsection 3, Code 2026, is amended by
14 adding the following new paragraph:

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

23 Sec. 4. Section 907.3, Code 2026, is amended by adding the
24 following new subsection:

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

26 a. "Public employee" means any individual employed by a
27 public employer and includes a contractor or vendor.

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

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

34

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to sentencing of public employees and public
3 officials for certain offenses.

4 The bill prohibits a sentencing court from deferring the
5 judgment or deferring the sentence of a defendant if the
6 defendant was a public employee or public official at the time of
7 the offense and the amount of money taken by the public employee
8 or public official in connection with the offense exceeded
9 \$10,000.

10 The bill prohibits a sentencing court from suspending the
11 sentence of a defendant if the defendant was a public employee
12 or public official at the time of the offense and the amount
13 of money taken by the public employee or public official
14 in connection with the offense exceeded \$10,000 unless the
15 defendant establishes, by clear and convincing evidence, and the
16 sentencing court finds and states specifically on the record,
17 that mitigating circumstances exist warranting a departure from
18 the otherwise mandatory minimum term of incarceration.

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