

House File 414 - Introduced

HOUSE FILE 414
BY COLLINS

A BILL FOR

- 1 An Act concerning conflicts of interest involving a county
- 2 attorney.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 331.755, Code 2025, is amended to read as
2 follows:

3 **331.755 Prohibited actions.**

4 1. A county attorney shall not:

5 ~~1.~~ a. Accept a fee or reward from or on behalf of a person
6 for services rendered in a prosecution or the conduct of official
7 business.

8 ~~2.~~ b. Engage directly or indirectly as an attorney or an
9 agent for a party other than the state or the county in an action
10 or proceeding arising in the county ~~which~~ that is based upon
11 substantially the same facts as a prosecution or proceeding ~~which~~
12 that has been commenced or prosecuted by the county attorney in
13 the name of the state or the county. This prohibition also
14 applies to the members of a law firm with which the county
15 attorney is associated.

16 ~~3.~~ c. Receive assistance from another attorney who is
17 interested in any civil action in which a recovery is asked
18 based upon matters involved in a criminal prosecution commenced
19 or prosecuted by the county attorney.

20 d. Jointly represent the county, the board of supervisors,
21 or any other county official if a conflict of interest exists
22 between the parties.

23 e. Engage in any other type of legal representation that
24 creates a conflict of interest with the county, the board of
25 supervisors, or any other county official.

26 2. A board of supervisors may, with a majority vote of the
27 board, obtain outside counsel when there is a dispute between the
28 county attorney and the board of supervisors or any other county
29 official. Alternatively, a board of supervisors may retain
30 outside counsel to determine if a conflict of interest exists
31 with the county attorney. If outside counsel determines that
32 a conflict of interest exists, a district court may review that
33 determination upon request by the county attorney.

34 3. If a county sheriff reasonably believes that a conflict
35 of interest exists with the county attorney and the board of

1 supervisors refuses to act, the county sheriff may, through
2 notice pleadings, petition a district court for a determination
3 of whether a conflict exists and request a stay on any pending
4 proceedings. The district court shall issue a ruling on the
5 merits within thirty days and may appoint outside counsel to
6 represent the county sheriff or issue any other order in the
7 interest of justice. All court costs and expenses shall be paid
8 by the county.

9 EXPLANATION

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

12 This bill concerns the duties and responsibilities of
13 county attorneys. The bill adds engaging in the simultaneous
14 representation of the county, the board of supervisors, and
15 any other county official if a conflict of interest exists
16 between the parties and engaging in any other type of legal
17 representation if it creates a conflict of interest with the
18 county to the list of prohibited actions of a county attorney.
19 A majority of a board of supervisors may decide to obtain outside
20 counsel if a dispute exists between the county attorney, the
21 board of supervisors, or any other county official. A board of
22 supervisors may hire outside counsel to decide whether a conflict
23 exists with the county attorney. If outside counsel determines
24 a conflict of interest exists, a district court may review that
25 determination upon request by the county attorney.

26 If a county sheriff reasonably believes that a conflict
27 of interest exists with the county attorney and the board of
28 supervisors refuses to act, the county sheriff may, through
29 notice pleadings, petition a district court for a determination
30 of whether a conflict of interest exists and request a stay on
31 any pending proceedings. The district court shall issue a ruling
32 on the merits within 30 days and may appoint outside counsel to
33 represent the county sheriff or issue any other order in the
34 interest of justice and all court costs and expenses shall by
35 paid by the county.