

House Study Bill 289 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON PUBLIC
SAFETY BILL BY CHAIRPERSON
VONDRAN)

A BILL FOR

1 An Act relating to the Iowa law enforcement academy council
2 including the revocation or suspension of certifications of
3 law enforcement officers and reserve peace officers, and
4 administrative investigations under the peace officer, public
5 safety, and emergency personnel bill of rights, and including
6 effective date and retroactive applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 80B.6, subsection 1, paragraphs a, h, and
2 i, Code 2025, are amended to read as follows:

3 a. ~~Three residents~~ One resident of the state.

4 h. A police officer who is a member of a police department of
5 a city with a population of ~~fifty~~ twenty-five thousand persons or
6 more.

7 i. A police officer who is a member of a police department of
8 a city with a population of less than ~~fifty~~ twenty-five thousand
9 persons.

10 Sec. 2. Section 80B.6, subsection 1, Code 2025, is amended by
11 adding the following new paragraphs:

12 NEW PARAGRAPH. l. A member of the Iowa fraternal order of
13 police.

14 NEW PARAGRAPH. m. A police officer employed by a regents
15 institution.

16 Sec. 3. Section 80B.11, subsection 1, paragraph h, Code 2025,
17 is amended by striking the paragraph.

18 Sec. 4. Section 80B.13, Code 2025, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 11. Receive, investigate, and review
21 complaints regarding an employing agency's training of law
22 enforcement officers, including compliance with minimum training
23 required by law and documentation deficiencies. The council may
24 order corrective action, including providing training or remedial
25 training to an employing agency, to meet minimum training
26 required by statute or regulation.

27 Sec. 5. Section 80B.13A, subsection 1, Code 2025, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 1. For purposes of this section, "final" means that all
31 appeals through a grievance procedure, civil service action, or
32 other cause of action or procedure available to the officer have
33 been exhausted.

34 Sec. 6. Section 80B.13A, subsection 2, paragraphs b and c,
35 Code 2025, are amended to read as follows:

1 ~~b. Been discharged for serious misconduct from employment~~
2 ~~as a law enforcement officer or from appointment as a reserve~~
3 ~~peace officer, as applicable Manufactured, sold, or conspired to~~
4 ~~manufacture or sell a controlled substance other than as part of~~
5 ~~an authorized act in connection with official duties.~~

6 ~~c. Left, voluntarily quit, or been laid off when disciplinary~~
7 ~~investigation or action was imminent or pending which could have~~
8 ~~resulted in the law enforcement officer being discharged or~~
9 ~~the reserve peace officer being removed for serious misconduct,~~
10 ~~if the council determines that the officer engaged in serious~~
11 ~~misconduct Pled guilty to or been convicted of a crime of~~
12 ~~domestic violence or domestic abuse assault.~~

13 Sec. 7. Section 80B.13A, subsection 2, Code 2025, is amended
14 by adding the following new paragraphs:

15 ~~NEW PARAGRAPH.~~ d. Pled guilty to or been convicted of any
16 offense classified as a tier I, tier II, or tier III sex offense
17 in chapter 692A.

18 ~~NEW PARAGRAPH.~~ e. Pled guilty to or been convicted of any
19 offense under prior laws of this state or another jurisdiction,
20 or any offense under prior law that was prosecuted in a federal,
21 military, or foreign court that is comparable to an offense
22 listed in this subsection.

23 Sec. 8. Section 80B.13A, subsection 3, Code 2025, is amended
24 by striking the subsection and inserting in lieu thereof the
25 following:

26 3. The council may order remedial training of a law
27 enforcement officer or reserve peace officer or revoke or suspend
28 the certification of a law enforcement officer or reserve peace
29 officer due to any of the following:

30 a. The law enforcement officer or reserve peace officer while
31 under oath or affirmation knowingly testifies falsely regarding a
32 material fact in any court of law or administrative hearing with
33 the intent to deceive.

34 b. The law enforcement officer or reserve peace officer makes
35 a materially false statement in a document prescribed by the

1 academy or otherwise provided for or authorized by these rules,
2 or in any other document intended to induce the academy or the
3 council to take or withhold action.

4 c. The law enforcement officer or reserve peace officer
5 pleads guilty to or is convicted of a crime involving moral
6 turpitude. For the purposes of this subsection, a crime of
7 moral turpitude includes theft, identity theft, perjury or its
8 subordination, fraudulent practices, securities fraud, extortion,
9 or convictions by any other state or by the federal government
10 under statutes substantially corresponding to the crimes listed
11 in this subsection.

12 d. The law enforcement officer or reserve peace officer is
13 shown to have discriminated against any applicant or employee
14 because of the age, race, creed, color, sex, sexual orientation,
15 gender identity, national origin, religion, or disability in
16 violation of chapter 216.

17 e. The law enforcement officer or reserve peace officer
18 retaliates against another law enforcement officer, reserve peace
19 officer, employee, or officer as defined in section 80F.1 because
20 of exercising rights or privileges afforded by law.

21 f. The law enforcement officer retaliates against another law
22 enforcement officer, reserve peace officer, employee, or officer
23 as defined in section 80F.1, for whistleblowing.

24 g. The law enforcement officer or reserve peace officer fails
25 to complete minimum training requirements established by the law
26 enforcement academy.

27 h. The law enforcement officer or reserve peace officer is
28 addicted to alcohol or illegal drugs and has refused to or failed
29 to be rehabilitated.

30 i. The law enforcement officer or reserve peace officer pled
31 guilty to or was convicted of using objectively unreasonable
32 force in violation of chapter 704.

33 j. The law enforcement officer or reserve peace officer
34 refuses or fails to complete the terms of a valid settlement
35 agreement regarding the officer's certification.

1 k. Upon the recommendation of the attorney general to the
2 council that revocation or suspension would be appropriate
3 pursuant to section 13.12.

4 l. The law enforcement officer or reserve peace officer
5 possessed an illegal drug other than as part of an authorized act
6 in connection with official duties.

7 Sec. 9. Section 80B.13A, subsections 4 and 5, Code 2025, are
8 amended to read as follows:

9 4. a. An employing agency shall notify the council within
10 ten days of any termination of employment of a law enforcement
11 officer or appointment as a reserve peace officer. The
12 notification must state whether the law enforcement officer or
13 reserve peace officer ~~was discharged or removed for serious~~
14 ~~misconduct or whether the officer left, voluntarily quit, or~~
15 ~~was laid off when disciplinary investigation or action was~~
16 ~~imminent or pending which could have resulted in the officer~~
17 ~~being discharged or removed for serious misconduct~~ resigned in
18 lieu of termination, or was discharged or removed, and whether
19 action taken by the agency is final.

20 b. If after the employing agency submits a notification
21 under subsection 4, the law enforcement officer or reserve peace
22 officer exercises any right to hold the decision of an employing
23 agency in abeyance, appeals, grieves, brings a cause of action
24 under section 80F.1, subsection 13, or contests the officer's
25 termination as provided by law, the employing agency shall notify
26 the council in writing within ten days of the filing of such
27 action by the officer.

28 c. Upon request by the council, the employing agency shall
29 provide any additional information or documentation about the
30 officer including confidential records or information under
31 section 22.7 or other applicable law to the council.

32 5. a. Any ~~recommendation, notification, or other record or~~
33 information provided by an employing agency or the attorney
34 general pursuant to this section shall be confidential except as
35 required by rule or order of the council, an administrative law

1 judge, or a reviewing court.

2 b. Any notification or other record or information provided
3 by an employing agency or the attorney general pursuant to this
4 section shall be provided to the law enforcement officer or
5 reserve peace officer by the academy or employing agency at no
6 charge upon written request from the officer or the officer's
7 legal counsel.

8 c. Any employing agency or person who, acting reasonably and
9 in good faith, files a notification or recommendation, releases
10 information, or otherwise cooperates with an investigation under
11 this section is immune from any liability, civil or criminal,
12 which might otherwise be incurred or imposed for such action
13 civil liability for monetary damages.

14 d. Upon written request of a law enforcement officer or
15 reserve peace officer or the officer's legal counsel, the academy
16 shall provide its complete investigation report concerning the
17 officer without unnecessary delay.

18 Sec. 10. Section 80B.13A, Code 2025, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 5A. If the administrative law judge or
21 council determines that the state has met the burden of proof
22 in a contested case to show the law enforcement officer or
23 reserve peace officer committed a violation under this chapter
24 and discretionary revocation or suspension of the officer's
25 certification is warranted, then the administrative law judge
26 or council shall determine the appropriate sanction. For
27 the purposes of this section, the administrative law judge or
28 council shall consider applicable factors, which may include
29 the nature of the conduct at issue in the circumstances, the
30 officer's training and education, the employing agency's level
31 of training and supervision of the officer, the availability
32 of remedial training to correct the officer's issues, whether
33 the officer has been provided and completed remedial training,
34 whether the officer could be or has been rehabilitated, and the
35 proportionality of the sanction to the conduct at issue. The

1 administrative law judge or council shall only consider, order,
2 or impose sanctions upon the officer if the alleged violations
3 are proven.

4 NEW SUBSECTION. 5B. The administrative law judge or council
5 shall dismiss unproven administrative charges against an officer
6 in a contested case with prejudice.

7 NEW SUBSECTION. 5C. A decision of the council to revoke
8 the certification of a law enforcement officer or reserve peace
9 officer or to suspend a law enforcement officer's or reserve
10 peace officer's certification for longer than one year shall be
11 made by a two-thirds majority vote of the council. A suspension
12 against an officer less than one year or any other action against
13 an officer or employing agency shall be made by a majority vote
14 of the council.

15 NEW SUBSECTION. 5D. An action for revocation or suspension
16 of the certification of a law enforcement officer or reserve
17 peace officer shall not be maintained by the council unless the
18 action is commenced within ninety days from the date the law
19 enforcement officer or reserve peace officer has exhausted all
20 actions, appeals, or procedures available to the officer.

21 Sec. 11. NEW SECTION. **80B.13B Rules of evidence.**

22 The rules of evidence shall apply to a contested case
23 involving the revocation or suspension of a law enforcement
24 officer's or reserve peace officer's certification.

25 Sec. 12. NEW SECTION. **80B.13C Authority of the attorney**
26 **general.**

27 1. The attorney general shall have the authority to dismiss
28 a petition in whole or in part against a law enforcement officer
29 or reserve peace officer in a contested case in the interest of
30 justice.

31 2. The attorney general may negotiate and settle a contested
32 case in the interest of justice.

33 Sec. 13. NEW SECTION. **80B.13D Reinstatement.**

34 1. A law enforcement officer or reserve peace officer
35 whose certification was suspended shall be reinstated upon the

1 officer's completion of the suspension.

2 2. If the law enforcement officer's or reserve peace
3 officer's certification was suspended pursuant to an agreement
4 with the attorney general, administrative law judge, or council,
5 the officer's certification shall be reinstated upon completion
6 of the suspension and any terms of the agreement. Nothing in
7 this section shall be construed to prohibit an agreement with
8 mutually agreed upon terms.

9 3. The academy shall not adopt or enforce rules regarding the
10 reinstatement of certification for a law enforcement officer or
11 reserve peace officer.

12 Sec. 14. NEW SECTION. **80B.13E Fees and costs.**

13 A law enforcement officer or reserve peace officer who
14 substantially prevails in a contested decertification or
15 suspension action may petition the district court for an award
16 of reasonable attorney fees, expert fees, and costs and expenses
17 incurred in defending the contested case. The district court
18 shall award reasonable attorney fees, expert fees, and costs
19 and expenses to the officer who substantially prevailed in the
20 contested case.

21 Sec. 15. Section 80F.1, subsection 1, paragraphs c, e, and f,
22 Code 2025, are amended to read as follows:

23 c. "*Formal administrative investigation*" means an
24 investigative process ordered by a commanding officer of an
25 agency or commander's designee ~~during which the questioning of an~~
26 ~~officer is intended to gather evidence to determine the merit of~~
27 a complaint to investigate the merit of a complaint, including
28 by questioning the complainant or witnesses, or conducting
29 an interview of the officer subject to the complaint, and
30 identifying and gathering evidence narrowly tailored to the
31 complaint, which may be the basis for seeking removal, discharge,
32 or suspension, or other disciplinary action against the officer.

33 e. "*Interview*" means the questioning of an officer who is
34 the subject of a complaint pursuant to the formal administrative
35 investigation procedures of the investigating agency, if such a

1 complaint may be the basis for seeking removal, discharge, or
2 suspension, or other disciplinary action against the officer.
3 "Interview" does not include questioning as part of any
4 informal inquiry or questioning related to minor infractions of
5 agency rules ~~which~~ that will not result in removal, discharge,
6 suspension, or other disciplinary action against the officer. An
7 interview conducted under this section shall not be construed to
8 be a hearing.

9 *f.* "Officer" means a certified law enforcement officer,
10 fire fighter, emergency medical technician, paramedic, medical
11 provider, corrections officer, detention officer, jailer,
12 probation or parole officer, public safety telecommunicator,
13 dispatcher, or any other law enforcement officer certified, in
14 training to become certified, or whose certification is governed
15 by the Iowa law enforcement academy and who is employed by a
16 municipality, county, or state agency.

17 Sec. 16. Section 80F.1, subsections 5 and 9, Code 2025, are
18 amended to read as follows:

19 5. *a.* An officer who is the subject of a complaint, shall,
20 at a minimum, be provided a written ~~summary~~ copy of the complaint
21 prior to an interview. If a collective bargaining agreement
22 applies, the complaint or written summary shall be provided
23 pursuant to the procedures established under the collective
24 bargaining agreement. If the complaint alleges domestic abuse,
25 sexual abuse, workplace harassment, or sexual harassment, an
26 officer shall not receive more than a written summary of the
27 complaint.

28 *b.* Upon written request of the officer or the officer's legal
29 counsel, the employing agency shall provide to the officer or
30 the officer's legal counsel a complete copy of the officer's
31 incident report, prior statements, and the officer's video or
32 audio recordings from the incident giving rise to the complaint
33 without unnecessary delay and at no charge prior to an interview
34 of the officer. Nothing in this paragraph shall be construed to
35 constitute a disclosure of public records.

1 persons or more and one officer from a city with a population of
2 less than 25,000 persons.

3 The bill strikes Code section 80B.11, subsection 1, paragraph
4 "h", which provides that the director of the academy shall
5 promulgate rules relative to grounds for revocation or suspension
6 of a law enforcement officer's certification.

7 The bill provides that a "final" decision for purposes of
8 the revocation or suspension of the certification of a law
9 enforcement officer or peace officer by the council means that
10 all appeals through a grievance procedure, civil service action,
11 or other action or procedure available to the officer have been
12 exhausted.

13 The bill provides that the council may receive, investigate,
14 and review complaints regarding an employing agency's training
15 of law enforcement officers, including compliance with minimum
16 training required by law and documentation deficiencies. The
17 council may order corrective action, including providing training
18 or remedial training to an employing agency, to meet minimum
19 training required by statute or regulation.

20 The bill provides that the council shall revoke the
21 certification of a law enforcement officer or reserve peace
22 officer upon a finding that the law enforcement officer or
23 reserve peace officer did any of the following: manufactured,
24 sold, or conspired to manufacture or sell a controlled substance
25 other than as part of an authorized act in connection with
26 official duties; pled guilty to or been convicted of a crime of
27 domestic violence or domestic abuse assault; pled guilty to or
28 been convicted of any offense classified as a tier I, tier II, or
29 tier III sex offense; or pled guilty to or been convicted of any
30 offense under prior laws of this state or another jurisdiction,
31 or any offense under prior law that was prosecuted in a federal,
32 military, or foreign court that is a comparable offense.

33 The bill strikes current Code section 80B.13A, subsection
34 3, concerning discretionary revocation or suspension of
35 certification, and replaces the subsection. The bill provides

1 that the council may order remedial training of a law enforcement
2 officer or reserve peace officer or revoke or suspend the
3 certification of a law enforcement officer or reserve peace
4 officer due to any of the following: the officer knowingly
5 testifies falsely regarding a material fact in any court of law
6 or administrative hearing with the intent to deceive; the officer
7 makes a materially false statement in a document prescribed
8 by the academy or in any other document intended to induce
9 the academy or the council to take or withhold action; the
10 officer pleads guilty to or is convicted of a crime involving
11 moral turpitude; the officer is shown to have discriminated
12 against any applicant or employee because of the age, race,
13 creed, color, sex, sexual orientation, gender identity, national
14 origin, religion, or disability in violation of Code chapter 216;
15 the officer retaliates against another law enforcement officer,
16 reserve peace officer, employee, or officer because of exercising
17 rights or privileges afforded by law; the officer retaliates
18 against another law enforcement officer, reserve peace officer,
19 employee, or officer for whistleblowing; the officer fails to
20 complete minimum training requirements established by the law
21 enforcement academy; the officer is addicted to alcohol or
22 illegal drugs and has refused to or failed to be rehabilitated;
23 the officer uses objectively unreasonable force in violation of
24 Code chapter 704; the officer refuses or fails to complete the
25 terms of a valid settlement agreement regarding the officer's
26 certification; upon the recommendation of the attorney general to
27 the council that revocation or suspension would be appropriate;
28 or the officer possessed an illegal drug other than as part of an
29 authorized act in connection with official duties.

30 The bill amends current law to provide that notification
31 of the council by an employing agency of any termination of
32 employment of a law enforcement officer or appointment as a
33 reserve peace officer must state whether the law enforcement
34 officer or reserve peace officer resigned in lieu of termination,
35 or was discharged or removed, and whether the action taken by the

1 agency is final.

2 The bill provides that if a law enforcement officer or reserve
3 peace officer exercises any right to hold the decision of an
4 employing agency in abeyance, or appeals, grieves, brings a cause
5 of action under Code section 80F.1, subsection 13, or contests
6 the officer's termination, the employing agency shall notify the
7 council in writing within 10 days of the filing of such action by
8 the officer.

9 The bill provides that any notification or other record or
10 information provided by an employing agency or the attorney
11 general shall be confidential except as required by rule or
12 order of the council, an administrative law judge, or a reviewing
13 court. Any notification or other record or information provided
14 by an employing agency or the attorney general pursuant to the
15 bill shall be provided to the law enforcement officer or reserve
16 peace officer by the academy or employing agency at no charge
17 upon written request from the officer or the officer's legal
18 counsel.

19 The bill provides that if the administrative law judge or
20 council determines that the state has met the burden of proof
21 in a contested case to show the law enforcement officer or
22 reserve peace officer committed a violation under the bill
23 and discretionary revocation or suspension of the officer's
24 certification is warranted, then the administrative law judge
25 or council shall determine the appropriate sanction. The
26 administrative law judge or council shall dismiss unproven
27 administrative charges against an officer in a contested case
28 with prejudice.

29 The bill provides that a decision of the council to revoke
30 the certification of a law enforcement officer or reserve peace
31 officer or to suspend the law enforcement officer's or reserve
32 peace officer's certification for longer than one year shall be
33 made by a two-thirds majority vote of the council. A suspension
34 against an officer less than one year or any other action against
35 an officer or employing agency shall be made by a majority vote

1 of the council.

2 The bill provides that an action for revocation or suspension
3 of the certification of a law enforcement officer or reserve
4 peace officer must be commenced within 90 days from the date the
5 law enforcement officer or reserve peace officer has exhausted
6 all actions, appeals, or procedures available to the officer.

7 The bill provides that the rules of evidence apply to a
8 contested case involving the revocation or suspension of a law
9 enforcement officer's or reserve peace officer's certification.

10 Under the bill, the attorney general shall have the authority
11 to dismiss a petition in whole or in part against a law
12 enforcement officer or reserve peace officer in a contested case
13 in the interest of justice, and may negotiate and settle a
14 contested case in the interest of justice.

15 The bill adds a new Code section concerning the reinstatement
16 of certification. The bill provides that a law enforcement
17 officer or reserve peace officer whose certification was
18 suspended shall be reinstated upon the officer's completion of
19 the suspension. If the certification was suspended pursuant to
20 an agreement with the attorney general, administrative law judge,
21 or council, the certification shall be reinstated upon completion
22 of the suspension and any terms of the agreement. The academy
23 cannot adopt rules regarding the reinstatement of certification
24 for a law enforcement officer or reserve peace officer.

25 The bill provides that a law enforcement officer or
26 reserve peace officer who substantially prevails in a contested
27 decertification or suspension action may petition the district
28 court for an award of reasonable attorney fees, expert fees, and
29 costs and expenses incurred in defending the contested case. The
30 district court shall award reasonable attorney fees, expert fees,
31 and costs and expenses to the officer who substantially prevailed
32 in the contested case.

33 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL
34 BILL OF RIGHTS (CODE CHAPTER 80F). The bill amends the
35 definition of "formal administrative investigation" relating to

1 formal administrative investigations of officers to include an
2 investigative process ordered by a commanding officer of an
3 agency or commander's designee during which the investigation
4 and questioning of an officer is intended to gather evidence to
5 determine the merit of a complaint filed against the officer,
6 which may be the basis for administrative charges seeking the
7 removal, discharge, or suspension, or other disciplinary action
8 against the officer. The bill amends the definition of "officer"
9 to include a paramedic, medical provider, dispatcher, and any
10 other law enforcement officer in training or whose certification
11 is governed by the Iowa law enforcement academy, and who is
12 employed by a municipality, county, or state agency.

13 The bill provides that upon written request of an officer or
14 an officer's legal counsel, the employing agency shall provide
15 to the officer or the officer's legal counsel a complete copy of
16 the officer's incident report and the officer's video or audio
17 recordings from the incident giving rise to the complaint without
18 unnecessary delay prior to an interview of the officer. The bill
19 provides that the provision of the report and audio and video
20 recordings shall not be construed to constitute a disclosure of
21 public records.

22 The bill provides that upon written request of the officer or
23 the officer's legal counsel, the employing agency shall provide
24 to the officer or the officer's legal counsel a complete copy
25 of the officer's incident report, prior statements, and the
26 officer's video or audio recordings from the incident giving rise
27 to the complaint without unnecessary delay and at no charge prior
28 to an interview of the officer. Upon written request, an officer
29 or the officer's legal counsel shall be timely provided with
30 the written complaint, copies of any witness statements, and the
31 investigative agency's complete report.

32 The bill takes effect upon enactment.

33 The section of the bill enacting Code section 80B.13C applies
34 retroactively to January 1, 2024, for pending contested cases.

35 The section of the bill enacting Code section 80B.13D applies

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1 retroactively to January 1, 2023, for pending contested cases.

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