

House Study Bill 749 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

A BILL FOR

1 An Act relating to state tort claims, including qualified
2 immunity for state employees, and including retroactive
3 applicability provisions.

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

unofficial

1 Section 1. Section 669.14A, subsection 1, paragraph a, Code
2 2026, is amended to read as follows:

3 a. The right, privilege, or immunity secured by law,
4 including by the Constitution of the State of Iowa, statute,
5 or common law, was not clearly established at the time of the
6 alleged deprivation, or at the time of the alleged deprivation
7 the state of the law was not sufficiently clear that every
8 reasonable employee would have understood that the conduct
9 alleged constituted a violation of law.

10 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to claims brought on or after June 17, 2021.

12 EXPLANATION

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

15 Under current law, an employee of the state that is subject to
16 a claim brought under Code chapter 669 (state tort claims) is not
17 liable for monetary damages if the right, privilege, or immunity
18 secured by law was not clearly established at the time of the
19 alleged deprivation or at the time of the alleged deprivation
20 the law was not sufficiently clear that every employee would have
21 known the conduct violated the law, or a court issued a final
22 decision holding that the conduct alleged to be unlawful conduct
23 was consistent with the law.

24 This bill provides that rights, privileges, or immunities
25 secured by law include the rights, privileges, or immunities
26 secured by the Constitution of the State of Iowa, statutes, and
27 common law. The bill is a response to the supreme court of
28 Iowa's decisions in *Montague v. Skinner*, No. 24-1745 (Iowa 2026)
29 and *Estate of Kahn v. City of Clermont*, 22 N.W.3d 252 (Iowa
30 2025). The court held in both cases that qualified immunity for
31 state employees provided in Code section 669.14A does not apply
32 to common law tort claims.

33 The bill applies retroactively to claims brought on or after
34 June 17, 2021, which is the original enactment date of Code
35 section 669.14A.