

**House Study Bill 770 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON WAYS  
AND MEANS BILL BY CHAIRPERSON  
NORDMAN)

**A BILL FOR**

1 An Act relating to the peace officer, public safety, and  
2 emergency personnel bill of rights, and providing fees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 80F.1, subsections 1, 5, 6, 7, 8, 9, 10,  
2 13, 16, 17, 19, 20, and 25, Code 2026, are amended to read as  
3 follows:

4 1. As used in this section, unless the context otherwise  
5 requires:

6 a. "Brady-Giglio list" means a list or other information  
7 compiled by a prosecuting agency containing the names and details  
8 of officers who have sustained incidents of untruthfulness,  
9 criminal convictions, candor issues, or some other type of issue  
10 ~~which that~~ places the officer's credibility into question.

11 b. "Complaint" means a formal written allegation signed by  
12 the complainant or a signed written statement by an officer or  
13 employee receiving an oral complaint stating the complainant's  
14 allegation.

15 c. "Formal administrative investigation" means an  
16 investigative process, based upon a complaint, ordered by a  
17 commanding officer of an agency or commander's designee during  
18 ~~which the questioning of an officer is intended to gather~~  
19 ~~evidence to determine the merit of a complaint which may be the~~  
20 ~~basis for seeking removal, discharge, or suspension, or other~~  
21 ~~disciplinary action against the officer that, if sustained, could~~  
22 result in the reassignment, suspension, demotion, removal, or  
23 discharge of the officer who is the subject of the complaint.  
24 Reassignment does not include transfers or reassignments based  
25 upon the needs of the department, normal rotations, or other  
26 reasons not related to a filed complaint. "Formal administrative  
27 investigation" does not include actions against the officer based  
28 solely upon the officer's probationary status upon hire without a  
29 complaint.

30 d. "Informal inquiry" means a ~~meeting by supervisory or~~  
31 ~~command personnel with an officer who is the subject of an~~  
32 ~~allegation, for the purpose of resolving the allegation or~~  
33 ~~determining whether a formal administrative investigation should~~  
34 ~~be commenced~~ preliminary review of a complaint by a commanding  
35 officer of an agency or the commander's designee to determine the

1 seriousness of an alleged complaint. If, through the preliminary  
2 review, the seriousness of the allegations made in the complaint  
3 are such that they could result in the reassignment, suspension,  
4 demotion, removal, or discharge of the officer who is the subject  
5 of the complaint, the investigation shall transition to a formal  
6 administrative investigation.

7 e. "Interview" means the questioning of an officer who is  
8 the subject of a complaint pursuant to as part of the formal  
9 administrative investigation procedures of the investigating  
10 agency, if such a complaint may be the basis for seeking removal,  
11 discharge, or suspension, or other disciplinary action against  
12 the officer. "Interview" does not include questioning as part of  
13 any informal inquiry or questioning related to minor infractions  
14 of agency rules which will not result in removal, discharge,  
15 suspension, or other disciplinary action against the officer. An  
16 interview conducted under this section shall not be construed to  
17 be a hearing.

18 f. "Officer" means a certified law enforcement officer, fire  
19 fighter, fire marshal, emergency medical technician, paramedic,  
20 emergency medical care provider as defined in section 147A.1,  
21 corrections officer, detention officer, jailer, probation or  
22 parole officer, public safety telecommunicator, or dispatcher.  
23 "Officer" includes any other fire fighter or law enforcement  
24 officer who is in training to become certified, and whose  
25 certification is governed by the Iowa law enforcement academy  
26 and or state fire marshal, who is employed either part-time or  
27 full-time by a municipality, county, or state agency.

28 g. "Prosecuting agency" means the attorney general, an  
29 assistant attorney general, the county attorney, an assistant  
30 county attorney, a special prosecutor, a city attorney, or an  
31 assistant city attorney.

32 h. "Statement" means the statement of the officer who is the  
33 subject of an allegation in response to a complaint.

34 5. a. An officer who is the subject of a complaint, formal  
35 administrative investigation shall, at a minimum, be provided

1 with a written summary of the complaint that includes the nature  
2 of the complaint and, if known, the date and location of the  
3 alleged misconduct prior to an interview. If a collective  
4 bargaining agreement applies, the complaint or written summary  
5 shall be provided pursuant to the procedures established under  
6 the collective bargaining agreement. If the complaint alleges  
7 domestic abuse, sexual abuse, workplace harassment, or sexual  
8 harassment, an officer shall not receive more than a written  
9 summary of the complaint.

10 b. The employing agency or investigating agency shall  
11 provide, at a minimum, to the officer who is the subject of  
12 a complaint or the officer's legal counsel a complete copy of  
13 the officer's incident report, the officer's prior statements,  
14 documents created by the officer who is the subject of the  
15 complaint that are directly related to the complaint, and the  
16 officer's video or audio recordings from the incident giving  
17 rise to the complaint, without unnecessary delay and at no  
18 charge, prior to an interview of the officer or any Brady-Giglio  
19 proceeding. Nothing in this paragraph shall be construed to  
20 constitute a disclosure of public records.

21 6. An officer being interviewed shall receive reasonable  
22 notice of the interview. At the beginning of the interview,  
23 the officer being interviewed shall be advised by the interviewer  
24 that the officer shall answer the questions and be advised that  
25 the answers shall not be used against the officer in any pending  
26 or subsequent criminal investigation or proceeding.

27 7. a. An interview or hearing of an officer who is the  
28 subject of the complaint shall, at a minimum, be audio recorded,  
29 and any interview or hearing shall be limited to those questions  
30 directly related to the officer's employment. Witness interviews  
31 should be audio recorded.

32 b. An officer's statement obtained in violation of this  
33 subsection shall not be used against the officer for disciplinary  
34 action.

35 8. a. The officer shall have the right to have the

1 assistance of legal counsel, at the officer's expense, during  
2 the interview of the officer and during hearings or other  
3 disciplinary or administrative proceedings relating to the  
4 complaint, and any Brady-Giglio hearings or proceedings. In  
5 addition, the officer shall have the right, at the officer's  
6 expense, unless otherwise agreed upon with the employing agency,  
7 to have a union representative present during the interview or  
8 hearing or, if not a member of a union, the officer shall have  
9 the right to have a designee present.

10 b. The officer's legal counsel, union representative, or  
11 employee representative shall not be compelled to disclose in  
12 any judicial proceeding, nor be subject to any investigation  
13 or punitive action for refusing to disclose, any information  
14 received from an officer under investigation or from an agent of  
15 the officer, so long as the officer or agent of the officer is an  
16 uninvolved party and not considered a witness to any incident.  
17 The officer's legal counsel may coordinate and communicate in  
18 confidence with the officer's designated union representative or  
19 employee representative, and such communications are not subject  
20 to discovery in any proceeding.

21 ~~9. If a formal administrative investigation results in the~~  
22 ~~removal, discharge, or suspension, or other disciplinary action~~  
23 ~~against an officer, copies of any witness statements and the~~  
24 ~~complete investigative agency's report shall be timely provided~~  
25 ~~to the officer upon the request of the officer or the officer's~~  
26 ~~legal counsel upon request at the completion of the investigation~~  
27 Upon written request, an officer who is the subject of the  
28 formal administrative investigation or the officer's legal  
29 counsel shall be timely provided with the written complaint,  
30 copies of any witness statements, and the investigative agency's  
31 complete investigative report at the end of the investigation or  
32 before the prediscipline hearing or any Brady-Giglio hearing or  
33 proceeding at no charge.

34 10. An interview shall be conducted at any facility of  
35 ~~the investigating agency~~ designated by the employer, and at a

1 reasonable time.

2 13. An officer shall have the right to bring a cause of  
3 action against any person including but not limited to the  
4 employing agency, group of persons, organization, or corporation  
5 for damages arising from the filing of a knowingly false  
6 complaint against the officer or any other violation of this  
7 chapter including but not limited to actual damages, court costs,  
8 and reasonable attorney fees. The clerk of the district court  
9 shall collect a filing fee of one hundred fifty dollars for the  
10 filing of an action under this chapter.

11 16. An officer shall not be discharged, disciplined, or  
12 threatened with discharge or discipline without just cause or in  
13 retaliation for exercising the rights of the officer enumerated  
14 in this section, chapter 17A, 80, 341A, or 400, or as otherwise  
15 provided by law or contract.

16 17. The rights enumerated in this ~~section~~ chapter are in  
17 addition to any other rights, privileges, actions, or remedies  
18 granted pursuant to a collective bargaining agreement or other  
19 applicable law.

20 19. If a formal administrative investigation results in  
21 ~~removal, discharge, suspension, or disciplinary action against~~  
22 reassignment, suspension, demotion, removal, or discharge of an  
23 officer, and the officer alleges in writing a violation of  
24 the provisions of this section, the municipality, county, or  
25 state agency employing the officer shall hold in abeyance for  
26 a period of ten days any punitive action taken as a result  
27 of the investigation, including a reprimand. An allegation  
28 of a violation of this section may be raised and given due  
29 consideration in any properly authorized grievance or appeal  
30 exercised by an officer, including but not limited to a grievance  
31 or appeal exercised pursuant to the terms of an applicable  
32 collective bargaining agreement and an appeal right exercised  
33 under section 341A.12 or 400.20.

34 20. The employing agency shall keep ~~an officer's~~ the  
35 statement, recordings, or transcripts of any interviews or

1 disciplinary proceedings, and any complaints made against an  
2 officer who is the subject of a complaint confidential unless  
3 otherwise provided by law or with the officer's written consent.  
4 Nothing in this section prohibits the release of an officer's  
5 statement, recordings, or transcripts of any interviews or  
6 disciplinary proceedings, and any complaints made against an  
7 officer to the officer or the officer's legal counsel upon the  
8 officer's request.

9       25. An officer shall have the right to petition the district  
10 court, appeal, or intervene in an action regarding a prosecuting  
11 agency's decision to place an officer on a Brady-Giglio list. An  
12 officer placed on a Brady-Giglio list by a prosecuting attorney,  
13 regardless of when such placement, action, or decision occurred,  
14 shall have the rights afforded under this subsection. The  
15 district court shall have jurisdiction over the review of the  
16 prosecuting agency's decision. The district court shall perform  
17 an in camera review of the evidence and may hold a closed  
18 hearing upon the request of the officer or prosecuting agency,  
19 or upon the court's own motion. Evidence presented to the  
20 district court shall be provided under seal and kept confidential  
21 unless otherwise provided by law and ordered by the district  
22 court. The district court may affirm, modify, or reverse  
23 a prosecuting agency's decision, and issue orders or provide  
24 relief, including removal of the officer from a Brady-Giglio list  
25 or other equitable relief, as justice may require. ~~Evidence~~  
26 ~~presented to the district court shall be provided under seal and~~  
27 ~~kept confidential unless otherwise provided by law and ordered by~~  
28 ~~the district court~~ A final decision of the district court may be  
29 appealed to the supreme court within thirty days. A prosecuting  
30 agency or employee of a prosecuting agency shall be immune from  
31 money damages for an action under this section. If the district  
32 court finds in favor of the officer under this subsection, upon  
33 application, the district court shall award the officer equitable  
34 relief, reasonable attorney fees, expenses, and court costs.  
35 This subsection applies retroactively to July 1, 2021.

1     Sec. 2. Section 80F.1, Code 2026, is amended by adding the  
2 following new subsections:

3     NEW SUBSECTION. 9A. Any officer may consent to the release  
4 of any and all records held by the agency related to the  
5 officer's employment and the agency shall provide such records.

6     NEW SUBSECTION. 26. A prosecuting agency shall fairly and  
7 impartially make good faith decisions regarding the placement of  
8 any officer on a Brady-Giglio list or making any Brady-Giglio  
9 disclosure.

10    NEW SUBSECTION. 27. The district court shall have  
11 jurisdiction over actions brought under this chapter. The  
12 burden of proof to sustain an allegation or administrative charge  
13 resulting in the placement of an officer's name on a Brady-Giglio  
14 list shall be by clear and convincing evidence. A final decision  
15 of the district court may be appealed to the supreme court within  
16 thirty days.

17    NEW SUBSECTION. 28. A complaint against an officer shall be  
18 made within a reasonable period of time from the date when the  
19 complainant knew or should have known of the officer's act or  
20 omission.

21    NEW SUBSECTION. 29. An employing agency, investigating  
22 agency, or prosecuting agency shall not require an officer to  
23 produce or disclose the officer's personal records, including  
24 financial or electronic device records, except pursuant to a  
25 valid search warrant or subpoena.

26    NEW SUBSECTION. 30. An officer shall not be compelled or  
27 coerced to make any statement or answer any questions regarding  
28 privileged information.

29    NEW SUBSECTION. 31. An employing agency, investigating  
30 agency, or prosecuting agency shall not withhold exculpatory  
31 evidence from an officer who is the subject of a formal  
32 administrative investigation.

33    NEW SUBSECTION. 32. The burden of proof to sustain  
34 an allegation, complaint, or administrative charge of  
35 untruthfulness, dishonesty, or other grounds for action or

1 placement on a Brady-Giglio list shall be by clear and convincing  
2 evidence.

3 Sec. 3. Section 80F.1, subsection 24, paragraph i, Code 2026,  
4 is amended by striking the paragraph.

5 EXPLANATION

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

8 This bill relates to the peace officer, public safety, and  
9 emergency personnel bill of rights.

10 The bill amends the definition of "formal administrative  
11 investigation" to mean an investigative process, based upon a  
12 complaint, ordered by a commanding officer of an agency or  
13 commander's designee that, if sustained, could result in the  
14 reassignment, suspension, demotion, removal, or discharge of the  
15 officer who is the subject of the complaint. Reassignment does  
16 not include transfers or reassignments based upon the needs of  
17 the department, normal rotations, or other reasons not related  
18 to a filed complaint. "Formal administrative investigation" does  
19 not include actions against the officer based solely upon the  
20 officer's probationary status upon hire without a complaint. The  
21 definition of "informal inquiry" is amended to mean a preliminary  
22 review of a complaint by a commanding officer of an agency or the  
23 commander's designee to determine the seriousness of an alleged  
24 complaint. If, through the preliminary review, the seriousness  
25 of the allegations made in the complaint are such that they could  
26 result in the reassignment, suspension, demotion, removal, or  
27 discharge of the officer who is the subject of the complaint,  
28 the investigation shall transition to a formal administrative  
29 investigation.

30 The bill provides that an officer who is the subject of  
31 a formal administrative investigation must, at a minimum, be  
32 provided with a written summary of the complaint that includes  
33 the nature of the complaint and, if known, the date and location  
34 of the alleged misconduct prior to an interview. The employing  
35 agency or investigating agency must provide to the officer who

1 is the subject of a complaint or the officer's legal counsel a  
2 complete copy of the officer's incident report, the officer's  
3 prior statements, documents created by the officer who is the  
4 subject of the complaint that are directly related to the  
5 complaint, and the officer's video or audio recordings from  
6 the incident giving rise to the complaint, without unnecessary  
7 delay and at no charge, prior to an interview of the officer  
8 or any Brady-Giglio proceeding. Nothing in this provision of  
9 the bill shall be construed to constitute a disclosure of public  
10 records. An officer being interviewed must receive reasonable  
11 notice of the interview. An interview or hearing of an officer  
12 shall be audio recorded, and any interview or hearing shall be  
13 limited to those questions directly related to the officer's  
14 employment. Witness interviews should be audio recorded. An  
15 officer's statement obtained in violation of the bill may not be  
16 used against the officer for disciplinary action.

17 The bill provides that upon written request, an officer who  
18 is the subject of the formal administrative investigation or  
19 the officer's legal counsel shall be timely provided with the  
20 written complaint, copies of any witness statements, and the  
21 investigative agency's complete investigative report at the end  
22 of the investigation or before the prediscipline hearing or any  
23 Brady-Giglio hearing or proceeding at no charge.

24 The bill provides that evidence presented to the district  
25 court shall be provided under seal and kept confidential unless  
26 otherwise provided by law and ordered by the district court.  
27 A final decision of the district court may be appealed to the  
28 supreme court within 30 days. A prosecuting agency or employee  
29 of a prosecuting agency shall be immune from money damages for an  
30 action under the bill. If the district court finds in favor of  
31 the officer, upon application, the district court shall award the  
32 officer equitable relief, reasonable attorney fees, expenses, and  
33 court costs. This provision of the bill applies retroactively to  
34 July 1, 2021.

35 The bill provides that any officer may consent to the release

1 of any and all records held by the agency related to the  
2 officer's employment and the agency shall provide such records.

3 The bill requires a prosecuting agency to fairly and  
4 impartially make good faith decisions regarding the placement of  
5 any officer on a Brady-Giglio list or making any Brady-Giglio  
6 disclosure.

7 The bill provides the district court shall have jurisdiction  
8 over actions brought under the bill. The burden of proof to  
9 sustain an allegation or administrative charge resulting in the  
10 placement of an officer's name on a Brady-Giglio list shall be by  
11 clear and convincing evidence. A final decision of the district  
12 court may be appealed to the supreme court within 30 days.

13 The bill requires a complaint against an officer to be made  
14 within a reasonable period of time from the date when the  
15 complainant knew or should have known of the officer's act  
16 or omission. An employing agency, investigating agency, or  
17 prosecuting agency shall not require an officer to produce or  
18 disclose the officer's personal records, including financial or  
19 electronic device records, except pursuant to a valid search  
20 warrant or subpoena. An officer shall not be compelled or  
21 coerced to make any statement or answer any questions regarding  
22 privileged information. An employing agency, investigating  
23 agency, or prosecuting agency shall not withhold exculpatory  
24 evidence from an officer who is the subject of a formal  
25 administrative investigation. The bill provides that the burden  
26 of proof to sustain an allegation, complaint, or administrative  
27 charge of untruthfulness, dishonesty, or other grounds for action  
28 or placement on a Brady-Giglio list shall be by clear and  
29 convincing evidence.