

**Senate File 2194 - Introduced**

SENATE FILE 2194  
BY WEBSTER

**A BILL FOR**

- 1 An Act relating to the peace officer, public safety, and
- 2 emergency personnel bill of rights.
- 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  
28 based solely upon the officer's probationary status 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 be construed to be a  
 17 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 shall 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 as defined in section 4.1, subsection  
4 20, including but not limited to the employing agency, group of  
5 persons, organization, or corporation for damages arising from  
6 the filing of a knowingly false complaint against the officer or  
7 any other violation of this chapter including but not limited to  
8 actual damages, court costs, and reasonable attorney fees.

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

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

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

32 20. The employing agency shall keep ~~an officer's~~ the  
33 statement, recordings, or transcripts of any interviews or  
34 disciplinary proceedings, and any complaints made against an  
35 officer who is the subject of a complaint confidential unless

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

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

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

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

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

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

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

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

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

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

31     NEW SUBSECTION. 32. The burden of proof to sustain  
32 an allegation, complaint, or administrative charge of  
33 untruthfulness, dishonesty, or other grounds for action or  
34 placement on a Brady-Giglio list shall be by clear and convincing  
35 evidence.



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

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

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

33 The bill provides that any officer may consent to the release  
34 of any and all records held by the agency related to the  
35 officer's employment and the agency shall provide such records.

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

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

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