

**Senate File 362 - Introduced**

SENATE FILE 362  
BY WEBSTER

**A BILL FOR**

1 An Act relating to administrative investigations under the  
2 peace officer, public safety, and emergency personnel bill  
3 of rights, civil service disciplinary hearings and appeals,  
4 and communications in professional confidence, and including  
5 effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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

3 c. "Formal administrative investigation" means an  
4 investigative process ordered by a commanding officer of an  
5 agency or commander's designee ~~during which the questioning~~  
6 ~~of an officer is intended to gather evidence to determine to~~  
7 investigate the merit of a complaint, including by questioning  
8 the complainant or witnesses, or conducting an interview of the  
9 officer subject to the complaint, and identifying and gathering  
10 evidence narrowly tailored to the complaint, which may be  
11 the basis for seeking administrative charges and the removal,  
12 discharge, or suspension, or other disciplinary action against  
13 the officer.

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

25 f. "Officer" means a certified law enforcement officer, fire  
26 fighter, fire marshal, emergency medical technician, paramedic,  
27 medical provider, corrections officer, detention officer, jailer,  
28 probation or parole officer, public safety telecommunicator,  
29 dispatcher, or any other fire fighter or law enforcement officer  
30 certified or who is in training to become certified or whose  
31 certification is governed by the Iowa law enforcement academy or  
32 state fire marshal, and employed by a municipality, county, or  
33 state agency.

34 Sec. 2. Section 80F.1, subsections 9 and 10, Code 2025, are  
35 amended to read as follows:

1     9. ~~If a formal administrative investigation results in the~~  
2 ~~removal, discharge, or suspension, or other disciplinary action~~  
3 ~~against an officer, copies of any witness statements and the~~  
4 ~~complete investigative agency's report shall be timely provided~~  
5 ~~to the officer upon the request of the officer or the officer's~~  
6 ~~legal counsel upon request at the completion of the investigation~~  
7 Upon written request, an officer or the officer's legal counsel  
8 shall be timely provided with the written complaint, copies of  
9 any witness statements, and the investigative agency's complete  
10 investigative report. For the purposes of this subsection,  
11 the investigative agency's complete administrative investigation  
12 report shall be provided to the officer and the officer's legal  
13 counsel at the end of the investigation at no charge.

14     10. An interview shall be conducted at any facility of the  
15 investigating agency at a reasonable time.

16     Sec. 3. Section 80F.1, subsection 24, paragraph i, Code 2025,  
17 is amended by striking the paragraph.

18     Sec. 4. Section 80F.1, subsection 25, Code 2025, is amended  
19 to read as follows:

20     25. An officer shall have the right to petition the district  
21 court, appeal, or intervene in an action regarding a prosecuting  
22 agency's decision to place an officer on a Brady-Giglio list. An  
23 officer placed on a Brady-Giglio list by a prosecuting agency,  
24 regardless of when such placement occurred, shall have the  
25 rights afforded under this subsection. The district court shall  
26 have jurisdiction over the review of the prosecuting agency's  
27 decision. The district court shall perform an in camera review  
28 of the evidence and may hold a closed hearing upon the request  
29 of the officer or prosecuting agency, or upon the court's own  
30 motion. The district court may affirm, modify, or reverse  
31 a prosecuting agency's decision, and issue orders or provide  
32 relief, including removal of the officer from a Brady-Giglio  
33 list, as justice may require. Evidence presented to the district  
34 court shall be provided under seal and kept confidential unless  
35 otherwise provided by law and ordered by the district court.

1 Sec. 5. Section 80F.1, Code 2025, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 26. a. A prosecuting agency shall fairly  
4 and impartially make decisions in good faith regarding placing  
5 an officer on a Brady-Giglio list or making a Brady-Giglio  
6 disclosure.

7 b. A county attorney or assistant county attorney shall not  
8 represent or advise the county, civil service commission, or a  
9 sheriff or deputy sheriff in any administrative or civil matter  
10 or case involving the same facts or circumstances from which the  
11 law enforcement officer was placed on a Brady-Giglio list or a  
12 Brady-Giglio disclosure was made or is pending unless the sheriff  
13 or deputy sheriff provides informed consent in writing.

14 c. The sheriff shall have the authority to select and  
15 retain outside legal counsel to represent or advise the sheriff  
16 regarding third-party public records requests for information or  
17 records relating to the sheriff's or deputy sheriff's placement  
18 on a Brady-Giglio list or a Brady-Giglio disclosure at the  
19 expense of the county.

20 NEW SUBSECTION. 27. The district court shall have  
21 jurisdiction over actions brought under this chapter. A decision  
22 of the district court may be appealed to the supreme court.

23 Sec. 6. Section 341A.12, subsection 2, Code 2025, is amended  
24 to read as follows:

25 2. The county or the accused may appeal from the commission's  
26 finding and decision to the district court of the county where  
27 the accused resides. Such appeal shall be taken by serving  
28 upon the commission within thirty days after the entry of its  
29 finding and decision, a written notice of appeal, stating the  
30 grounds thereof, and demanding that a certified transcript of the  
31 record and of all papers on file in the office of the commission  
32 affecting or relating to its finding and decision, be filed by  
33 the commission with the court. The commission shall, within ten  
34 days after the filing of the notice make, certify, and file such  
35 transcript with the court. The court shall proceed to hear and

1 determine the appeal ~~in a summary manner~~ de novo. Such hearing  
2 shall be confined to the determination of whether the finding  
3 and decision of the commission to affirm, modify, or revoke the  
4 order of the sheriff was made in good faith and for cause, and no  
5 appeal shall be taken except upon such grounds. The decision of  
6 the district court may be appealed to the supreme court.

7 Sec. 7. Section 341A.12, Code 2025, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 3. The disciplinary appeal provisions of  
10 this section shall apply to a part-time deputy sheriff.

11 Sec. 8. Section 622.10, subsection 9, paragraph a, Code 2025,  
12 is amended to read as follows:

13 a. A peer support ~~group~~ counselor or individual present for a  
14 individual or group crisis intervention who obtains information  
15 from an officer or a civilian employee of a law enforcement  
16 agency, emergency management agency, emergency medical services  
17 agency, or fire department by reason of the counselor's capacity  
18 as a peer support ~~group~~ counselor or an individual's presence for  
19 a individual or group crisis intervention shall not be allowed,  
20 ~~in giving testimony,~~ to disclose any confidential communication  
21 properly entrusted to the counselor or individual present for  
22 a group crisis intervention by the officer or civilian employee  
23 while receiving counseling or group crisis intervention including  
24 in giving testimony.

25 Sec. 9. Section 622.10, subsection 9, paragraph c,  
26 subparagraphs (1) and (2), Code 2025, are amended to read as  
27 follows:

28 (1) "Officer" means a certified law enforcement officer,  
29 fire fighter, emergency medical technician or medical provider,  
30 paramedic, corrections officer, detention officer, jailer,  
31 probation or parole officer, public safety telecommunicator,  
32 dispatcher, emergency management coordinator under chapter 29C,  
33 or any other law enforcement officer certified by the Iowa law  
34 enforcement academy and employed by a city, county, or state  
35 agency.

1 (2) "Peer support ~~group~~ counselor" means a law enforcement  
2 officer, fire fighter, civilian employee of a law enforcement  
3 agency or fire department, or a nonemployee counselor who has  
4 been designated as a peer support ~~group~~ counselor by a sheriff,  
5 police chief, fire chief, or department head of a law enforcement  
6 agency, fire department, or emergency medical services agency  
7 and who has received training to provide emotional and moral  
8 support and counseling to an officer or group who needs those  
9 services as a result of an incident in which the officer or group  
10 was involved while acting in the officer's or group's official  
11 capacity.

12 Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate  
13 importance, takes effect upon enactment.

14 EXPLANATION

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

17 This bill relates to administrative investigations under the  
18 peace officer, public safety, and emergency personnel bill of  
19 rights, civil service disciplinary hearings and appeals, and  
20 communications in professional confidence.

21 The bill provides that upon written request, an officer or  
22 the officer's legal counsel will be provided with the written  
23 complaint, copies of any witness statements, and the agency's  
24 complete investigative report in a timely manner. The complete  
25 administrative investigation report must be provided to the  
26 officer and the officer's legal counsel at the end of the  
27 investigation at no charge. An interview of the officer shall  
28 be conducted at any facility of the investigating agency at a  
29 reasonable time.

30 The bill removes Code section 80F.1, subsection 24, paragraph  
31 "i", which provides that the subsection does not create a private  
32 cause of action against a prosecuting agency or an employee of a  
33 prosecuting agency.

34 The bill provides that an officer placed on a Brady-Giglio  
35 list by a prosecuting agency, regardless of when such placement

1 occurred, has the rights afforded under the bill.

2 The bill requires a prosecuting agency to fairly and  
3 impartially make decisions in good faith regarding placing  
4 an officer on a Brady-Giglio list or making a Brady-Giglio  
5 disclosure. A county attorney or assistant county attorney may  
6 not represent or advise the county, civil service commission, or  
7 a sheriff or deputy sheriff in any administrative or civil matter  
8 or case involving the same facts or circumstances from which the  
9 law enforcement officer was placed on a Brady-Giglio list or a  
10 Brady-Giglio disclosure was made or is pending unless the sheriff  
11 or deputy sheriff provides informed consent in writing. The  
12 sheriff shall have the authority to select and retain outside  
13 legal counsel regarding third-party public records requests for  
14 information or records relating to the sheriff's or deputy  
15 sheriff's placement on a Brady-Giglio list or a Brady-Giglio  
16 disclosure at the expense of the county.

17 The bill provides that the district court has jurisdiction  
18 over actions brought under Code chapter 80F. A decision of the  
19 district court may be appealed to the Iowa supreme court.

20 The bill provides that the disciplinary appeal provisions  
21 concerning classified civil service for deputy county sheriffs  
22 apply to part-time deputy sheriffs.

23 The bill provides that a peer support counselor or individual  
24 present for individual or group crisis intervention who obtains  
25 information from an officer or a civilian employee of a  
26 law enforcement agency, emergency management agency, emergency  
27 medical services agency, or fire department shall not be allowed  
28 to disclose any confidential communication entrusted to the  
29 counselor or individual present including in giving testimony.

30 The bill takes effect upon enactment.