

Senate File 430 - Introduced

SENATE FILE 430
BY SWEENEY

A BILL FOR

1 An Act relating to restitution to the state from certain state
2 employees who commit torts within the scope of office or
3 employment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 669.21, subsection 2, paragraph a, Code
2 2025, is amended to read as follows:

3 a. ~~The duty to indemnify and hold harmless~~ Subsection 1 shall
4 not apply and the state shall be entitled to restitution from an
5 employee if the employee fails to cooperate in the investigation
6 or defense of the claim, as defined in this section, or if, in
7 an action commenced by the state against the employee, it is
8 determined that the conduct of the employee upon which a tort
9 claim or demand was based constituted a willful and wanton act
10 or omission or malfeasance in office. The state shall commence
11 an action for restitution in every case in which there is a
12 reasonable belief that the action for restitution is warranted.

13 EXPLANATION

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

16 This bill relates to restitution to the state from certain
17 state employees who commit torts within the scope of office or
18 employment.

19 Under the Iowa tort claims Act, the state is generally
20 required to indemnify and hold harmless a state employee who,
21 by negligence or wrongful act or omission, caused damages while
22 acting within the scope of the employee's office or employment.
23 This requirement to indemnify and hold harmless does not apply if
24 the employee fails to cooperate in the investigation or defense
25 of the claim, or if, in an action commenced by the state against
26 the employee, it is determined that the conduct of the employee
27 upon which a tort claim or demand was based constituted a willful
28 and wanton act or omission or malfeasance in office. In these
29 cases, the state is entitled to restitution from the employee.
30 The bill requires the state to commence an action for restitution
31 in every case in which there is a reasonable belief that the
32 action for restitution is warranted.