

House File 2797 - Introduced

HOUSE FILE 2797

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 770)

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:

1 Section 1. Section 80F.1, subsection 25, Code 2026, is
2 amended to read as follows:

3 25. An officer shall have the right to petition the
4 district court, appeal, or intervene in an action regarding
5 a prosecuting agency's decision to place an officer on a
6 Brady-Giglio list. An officer placed on a Brady-Giglio list
7 by a prosecuting agency, regardless of when such placement,
8 action, or decision occurred, shall have the rights afforded
9 under this subsection. The district court shall have
10 jurisdiction over the review of the prosecuting agency's
11 decision. The district court shall perform an in camera
12 review of the evidence and may hold a closed hearing upon the
13 request of the officer or prosecuting agency, or upon the
14 court's own motion. The district court may affirm, modify,
15 or reverse a prosecuting agency's decision, and issue orders
16 or provide relief, including removal of the officer from a
17 Brady-Giglio list, as justice may require. Evidence presented
18 to the district court shall be provided under seal and kept
19 confidential unless otherwise provided by law and ordered
20 by the district court. If the court finds in favor of the
21 officer under this subsection, upon application, the court
22 shall award the officer equitable relief, reasonable attorney
23 fees, expenses, and court costs. Any such award shall be paid
24 by the state or the municipality or county that employs or is
25 responsible for the prosecuting agency.

26 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
27 importance, takes effect upon enactment.

28 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
29 retroactively to the placement of an officer on a Brady-Giglio
30 list and subsequent proceedings and orders occurring on and
31 after July 1, 2021.

32 EXPLANATION

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

35 This bill relates to the peace officer, public safety, and

1 emergency personnel bill of rights.

2 The bill provides that an officer placed on a Brady-Giglio
3 list by a prosecuting agency, regardless of when such
4 placement, action, or decision occurred, shall have the rights
5 afforded under the bill.

6 The bill provides that if an officer, after appealing a
7 decision placing the officer on a Brady-Giglio list, prevails,
8 the court shall award the officer equitable relief, reasonable
9 attorney fees, expenses, and court costs. Any such award shall
10 be paid by the state or the municipality or county that employs
11 or is responsible for the prosecuting agency.

12 The bill takes effect upon enactment.

13 The bill applies retroactively to the placement of an
14 officer on a Brady-Giglio list and subsequent proceedings and
15 orders occurring on and after July 1, 2021.