

# Senate File 2264

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2090)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the waiver of physical requirements for peace  
2 officers and civil service employees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5758SV 80  
5 jr/sh/8

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1 1 Section 1. Section 80B.11, subsection 5, Code Supplement  
1 2 2003, is amended to read as follows:  
1 3 5. Minimum standards of physical, educational and moral  
1 4 fitness which shall govern the recruitment, selection, and  
1 5 appointment of law enforcement officers. The council may  
1 6 waive any physical requirement upon the request of the  
1 7 employing city council, board of supervisors, or agency on a  
1 8 showing of good cause. The council shall waive any physical  
1 9 requirement for the following:  
1 10 a. The chief of a police department.  
1 11 b. Any person functioning in an administrative capacity.  
1 12 c. Any person who has, in the last two years, met the  
1 13 physical requirements for the recruitment, selection, and  
1 14 appointment of a law enforcement officer in another state.  
1 15 Sec. 2. Section 400.17, Code 2003, is amended to read as  
1 16 follows:  
1 17 400.17 EMPLOYEES UNDER CIVIL SERVICE == QUALIFICATIONS.  
1 18 Except as otherwise provided in section 400.7, a person  
1 19 shall not be appointed, promoted, or employed in any capacity,  
1 20 including a new classification, in the fire or police  
1 21 department, or any department which is governed by the civil  
1 22 service, until the person has passed a civil service  
1 23 examination as provided in this chapter, and has been  
1 24 certified to the city council as being eligible for the  
1 25 appointment. However, in an emergency in which the peace and  
1 26 order of the city is threatened by reason of fire, flood,  
1 27 storm, or mob violence, making additional protection of life  
1 28 and property necessary, the person having the appointing power  
1 29 may deputize additional persons, without examination, to act  
1 30 as peace officers until the emergency has passed. A person  
1 31 may be appointed to a position subject to successfully  
1 32 completing a civil service medical examination. A person  
1 33 shall not be appointed or employed in any capacity in the fire  
1 34 or police department if the person is unable to meet  
1 35 reasonable physical condition training requirements and  
2 1 reasonable level of experience requirements necessary for the  
2 2 performance of the position unless those requirements are  
2 3 specifically waived as provided in this section; if the person  
2 4 is a habitual criminal; if the person is addicted to narcotics  
2 5 or alcohol and has not been rehabilitated for a period of one  
2 6 year or more, or is not presently undergoing treatment; or if  
2 7 the person has attempted a deception or fraud in connection  
2 8 with a civil service examination.  
2 9 Except as otherwise provided in this section and section  
2 10 400.7, a person shall not be appointed or employed in any  
2 11 capacity in any department which is governed by civil service  
2 12 if the person is unable to meet reasonable physical condition  
2 13 training requirements and reasonable level of experience  
2 14 requirements necessary for the performance of the position; if  
2 15 the person is addicted to narcotics or alcohol and has not  
2 16 been rehabilitated for a period of one year or more, or is not  
2 17 presently undergoing treatment; or if the person has attempted  
2 18 a deception or fraud in connection with a civil service  
2 19 examination. A fire or police department, or any department  
2 20 which is governed by the civil service, may waive the physical  
2 21 condition training requirements for good cause.  
2 22 Employees shall not be required to be a resident of the

2 23 city in which they are employed, but they shall become a  
2 24 resident of the state at the time such appointment or  
2 25 employment begins and shall remain a resident of the state  
2 26 during employment. Cities may set reasonable maximum  
2 27 distances outside of the corporate limits of the city that  
2 28 police officers, fire fighters and other critical municipal  
2 29 employees may live.

2 30 A person shall not be appointed, promoted, discharged, or  
2 31 demoted to or from a civil service position or in any other  
2 32 way favored or discriminated against in that position because  
2 33 of political or religious opinions or affiliations, race,  
2 34 national origin, sex, or age. However, the maximum age for a  
2 35 police officer or fire fighter covered by this chapter and

3 1 employed for police duty or the duty of fighting fires is

3 2 sixty-five years of age.

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