

**House File 862 - Reprinted**

HOUSE FILE 862  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 414)

(As Amended and Passed by the House March 26, 2025)

**A BILL FOR**

1 An Act concerning conflicts of interest involving a county  
2 attorney, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.755, Code 2025, is amended to read as  
2 follows:

3 **331.755 Prohibited actions.**

4 1. A county attorney shall not:

5 ~~1.~~ a. Accept a fee or reward from or on behalf of a person  
6 for services rendered in a prosecution or the conduct of official  
7 business.

8 ~~2.~~ b. Engage directly or indirectly as an attorney or an  
9 agent for a party other than the state or the county in an action  
10 or proceeding arising in the county ~~which~~ that is based upon  
11 substantially the same facts as a prosecution or proceeding ~~which~~  
12 that has been commenced or prosecuted by the county attorney in  
13 the name of the state or the county. This prohibition also  
14 applies to the members of a law firm with which the county  
15 attorney is associated.

16 ~~3.~~ c. Receive assistance from another attorney who is  
17 interested in any civil action in which a recovery is asked  
18 based upon matters involved in a criminal prosecution commenced  
19 or prosecuted by the county attorney.

20 2. A board of supervisors may, with a majority vote of  
21 the board, obtain outside counsel to represent the board of  
22 supervisors or any other county official.

23 3. If a county sheriff reasonably believes that a conflict  
24 of interest exists between the county attorney and the county  
25 sheriff, and if the board of supervisors refuses to obtain  
26 outside counsel for the county sheriff, the county sheriff  
27 may, through notice pleadings, petition a district court for a  
28 determination of whether a conflict exists and request a stay  
29 on any pending proceedings. The district court shall issue a  
30 ruling on the merits within thirty days and may authorize the  
31 county sheriff to retain outside counsel to represent the county  
32 sheriff or issue any other order in the interest of justice. All  
33 court costs and expenses shall be paid by the county unless the  
34 district court finds that a conflict of interest does not exist  
35 between the county attorney and the county sheriff, in which case

1 all court costs and expenses shall be paid by the office of the  
2 county sheriff.

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

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