

House File 2751 - Reprinted

HOUSE FILE 2751

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2728)

(As Amended and Passed by the House April 6, 2026)

A BILL FOR

1 An Act relating to criminal acts against persons in certain
2 occupations, including testing for communicable diseases
3 for certain persons who have committed an assault against
4 a member of a protected occupation, certain public safety
5 personnel, including confidentiality of peer support
6 communications for public safety officers and civilian
7 employees, and obstructing first responders, and providing
8 penalties.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.3A, Code 2026, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **708.3A Assaults on members of protected occupations.**

4 1. For purposes of this section, unless the context
5 otherwise requires:

6 a. *"Assault"* means the same as defined in section 708.1.

7 b. *"Correctional staff"* means a person, who is not a peace
8 officer, who is employed by the department of corrections or
9 a judicial district department of correctional services to
10 work at or in a correctional institution, community-based
11 correctional facility, or an institution under the management
12 of the Iowa department of corrections that is used for the
13 purposes of confinement of persons who have committed public
14 offenses.

15 c. *"Employee of the department of health and human services"*
16 means a person who is an employee of an institution controlled
17 by the director of health and human services that is listed in
18 section 218.1, or who is an employee of the civil commitment
19 unit for sex offenders operated by the department of health and
20 human services. A person who commits an assault under this
21 section against an employee of the department of health and
22 human services at a department of health and human services
23 institution or unit is presumed to know that the person against
24 whom the assault is committed is an employee of the department
25 of health and human services.

26 d. *"Employee of the department of revenue"* means a person
27 who is employed as an auditor, agent, tax collector, or any
28 contractor or representative acting in the same capacity. The
29 employee, contractor, or representative shall maintain current
30 identification indicating that the person is an employee,
31 contractor, or representative of the department.

32 e. *"Health care provider"* means an emergency medical care
33 provider as defined in section 147A.1, or a person licensed
34 or registered under chapter 148, 148C, 148D, or 152, who is
35 providing or who is attempting to provide emergency medical

1 services as defined in section 147A.1, or anyone who is
2 working, volunteering, or participating in an educational
3 course of instruction at a hospital or rural emergency hospital
4 as defined in section 135B.1, or at a nursing facility as
5 defined in section 135C.1. A person who commits an assault
6 under this section against a health care provider in a
7 hospital, or at the scene or during out-of-hospital patient
8 transportation in an ambulance, is presumed to know that the
9 person against whom the assault is committed is a health care
10 provider.

11 *f. "Jailer"* means a person, who is not a peace officer,
12 who is employed by a county or other political subdivision
13 of the state to work at a county jail or other facility used
14 for purposes of the confinement of persons who have committed
15 public offenses.

16 *g. "Member of a protection occupation"* means a person who
17 is a peace officer; a jailer; correctional staff; juvenile
18 detention staff; a member or employee of the board of parole;
19 a health care provider; an employee of the department of
20 health and human services; an employee of the department of
21 inspections, appeals, and licensing who conducts investigations
22 or inspections; an employee of the department of revenue; a
23 national guard member engaged in national guard duty or state
24 active duty; a civilian employee of a law enforcement agency;
25 a civilian employee of a fire department; or a fire fighter,
26 whether paid or volunteer.

27 *h. "National guard"* means the same as defined in section
28 29A.1.

29 *i. "National guard duty"* means the same as defined in
30 section 29A.1.

31 *j. "State active duty"* means the same as defined in section
32 29A.1.

33 2. An assault against a member of a protected occupation
34 with the knowledge that the person against whom the assault is
35 committed is a member of a protected occupation is a class "C"

1 felony.

2 3. An assault against a member of a protected occupation
3 using or displaying a dangerous weapon is a class "C" felony.

4 4. An assault against a member of a protected occupation
5 that causes bodily injury or mental illness is a class "D"
6 felony.

7 5. Any other assault, including an assault causing another
8 to come into contact with saliva by throwing, tossing,
9 spitting, or expelling the fluid, committed against a member of
10 a protected occupation is an aggravated misdemeanor. A person
11 convicted of violating this subsection shall serve a minimum
12 term of seven days of the sentence imposed by law, and shall
13 not be eligible for deferral or suspension of the minimum term
14 of seven days.

15 6. *a.* A person who is a victim of an assault under
16 subsection 2, 3, 4, or 5 that resulted in the victim coming in
17 contact with the blood, seminal fluid, urine, saliva, or feces
18 of the person committing the assault, when there is reason to
19 believe that the person committing the assault has or may have
20 a communicable disease, may request that law enforcement make
21 application to the court for the issuance of a search warrant,
22 in accordance with chapter 808, for the purpose of requiring
23 the person committing the assault to submit to testing by a
24 medical professional for communicable diseases.

25 *b.* The medical professional conducting testing of the person
26 committing the assault for communicable diseases shall, as soon
27 as practicable upon receipt of the test results, contact the
28 victim of the assault with the test results.

29 Sec. 2. Section 80F.1, Code 2026, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 2A. This section shall not be construed to
32 require the disclosure, use, or consideration of a confidential
33 communication protected under chapter 622C in any informal
34 inquiry, formal administrative investigation, disciplinary
35 proceeding, or Brady-Giglio determination.

1 Sec. 3. Section 622.10, subsection 9, paragraph a, Code
2 2026, is amended to read as follows:

3 a. A peer support ~~group~~ counselor or individual present
4 for a individual or group crisis intervention who obtains
5 information from an officer or a civilian employee of a law
6 enforcement agency, emergency management agency, emergency
7 medical services agency, or fire department by reason of the
8 counselor's capacity as a peer support ~~group~~ counselor or
9 an individual's presence for a individual or group crisis
10 intervention shall not be allowed, ~~in giving testimony~~, to
11 disclose any confidential communication properly entrusted
12 to the counselor or individual present for a group crisis
13 intervention by the officer or civilian employee while
14 receiving counseling or group crisis intervention pursuant to
15 chapter 622C except as provided pursuant to section 622C.2,
16 subsection 3.

17 Sec. 4. NEW SECTION. 622C.1 Definitions.

18 As used in this chapter, unless the context otherwise
19 requires:

20 1. "*Civilian employee*" means an employee of a law
21 enforcement agency, emergency management agency, emergency
22 medical services agency, or fire department who is not an
23 officer.

24 2. "*Confidential communication*" means any oral, written, or
25 recorded communication made by an officer or civilian employee
26 to a peer support counselor while receiving peer support
27 services or crisis intervention, whether the communication is
28 made individually or in a group setting.

29 3. "*Officer*" means a certified law enforcement officer,
30 fire fighter, fire marshal, emergency medical technician,
31 paramedic, medical provider, corrections officer, detention
32 officer, jailer, probation or parole officer, public safety
33 telecommunicator, dispatcher, emergency management coordinator
34 under chapter 29C, or any other public safety employee
35 certified by the Iowa law enforcement academy or state fire

1 marshal and employed by a city, county, or state agency.

2 4. "*Peer support counselor*" means a law enforcement officer,
3 fire fighter, emergency medical services provider, public
4 safety telecommunicator, dispatcher, civilian employee of a law
5 enforcement or fire department, or a nonemployee counselor who
6 has been designated as a peer support counselor by a sheriff,
7 police chief, fire chief, emergency medical services director,
8 or department head of a public safety agency, and who has
9 received training to provide emotional and moral support,
10 counseling, or crisis intervention to officers and civilian
11 employees affected by stress or trauma arising from official
12 duties.

13 Sec. 5. NEW SECTION. **622C.2 Confidential peer support**
14 **communications — exceptions.**

15 1. Except as provided in subsection 3, a peer support
16 counselor or individual who is present for a confidential
17 communication from an officer or civilian employee during
18 a peer support or crisis intervention session shall not be
19 permitted to testify or otherwise disclose any confidential
20 communication properly entrusted to the peer support counselor
21 or individual, or made in the peer support counselor's or
22 individual's presence by an officer or civilian employee
23 receiving peer support services.

24 2. Except as provided in subsection 3, a confidential
25 communication obtained by a peer support counselor during
26 the provision of peer support services or by an individual
27 present for a confidential communication shall not be used
28 or introduced in any formal administrative investigation,
29 disciplinary proceeding, or Brady-Giglio disclosure or
30 proceeding.

31 3. A peer support counselor or an individual present for a
32 confidential communication may testify or otherwise disclose a
33 confidential communication if the confidential communication
34 includes any of the following:

35 a. A plan for the commission of a crime or information

1 related to the commission of a crime by the officer or civilian
2 employee.

3 *b.* An explicit threat of harm to the officer, civilian
4 employee, or to another person.

5 *c.* Information for which disclosure is otherwise required by
6 law, including but not limited to mandatory reporting of child
7 abuse or dependent adult abuse.

8 Sec. 6. NEW SECTION. **622C.3 Construction.**

9 1. This chapter shall not be construed to limit an
10 employer's authority to direct an employee to an employee
11 assistance program or to require a fitness-for-duty evaluation.

12 2. This chapter shall be construed liberally to promote
13 candid and confidential communications during peer support
14 services for public safety professionals.

15 Sec. 7. NEW SECTION. **719.1B Obstructing first responder**
16 **after warning.**

17 1. As used in this section:

18 *a.* "*First responder*" means a law enforcement officer, a
19 probation or parole officer, a fire fighter, or an emergency
20 medical care provider.

21 *b.* "*Harass*" means to willfully engage in a course of
22 conduct directed at a first responder that intentionally causes
23 substantial emotional distress in the first responder and
24 serves no legitimate purpose.

25 2. *a.* A person shall not, after receiving a verbal
26 warning not to approach from an individual the person knows or
27 reasonably should know is a first responder who is engaged in
28 the lawful performance of a legal duty, knowingly and willfully
29 violate the warning and approach or remain within twenty-five
30 feet of the first responder with the intent to do any of the
31 following:

32 (1) Impede or interfere with the first responder's ability
33 to perform the first responder's duty.

34 (2) Threaten the first responder with physical harm.

35 (3) Harass the first responder.

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1 *b.* A person who violates this section commits a serious
2 misdemeanor.