

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 11, 2021

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
SF 321	S-3059	Adopted	JIM CARLIN
SF 357	S-3062	Adopted	ZACH WHITING
SF 479	S-3061	Lost	NATE BOULTON
SF 479	S-3065	Ruled Out of Order	NATE BOULTON
SF 479	S-3066	Ruled Out of Order	JACKIE SMITH
SF 534	S-3063	Adopted	DAN DAWSON
SF 534	S-3067	Lost	KEVIN KINNEY
SF 534	S-3068	Ruled Out of Order	LIZ MATHIS
SF 540	S-3060	Adopted	CHRIS COURNOYER
HF 561	S-3064	Filed	JULIAN GARRETT

Fiscal Notes

[SF 534](#) — [Public Safety Omnibus](#) (LSB2506SV)

[SF 540](#) — [Cosmetology and Barbering Licensure](#) (LSB1840SV)

[SF 568](#) — [Election Omnibus](#) (LSB1717SV)

SENATE FILE 321

S-3059

1 Amend Senate File 321 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 12B.10, subsection 6, Code 2021, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *n.* Investments by the veterans trust fund
7 established in section 35A.13.

8 Sec. 2. Section 12B.10C, subsection 4, Code 2021, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *k.* The veterans trust fund established in
11 section 35A.13.

12 Sec. 3. Section 35A.13, subsection 3, Code 2021, is amended
13 to read as follows:

14 3. Moneys credited to the trust fund shall not be
15 transferred, used, obligated, appropriated, or otherwise
16 encumbered, except as provided in this section. ~~Moneys in the~~
17 ~~trust fund may be used for cash flow purposes during a fiscal~~
18 ~~year provided that any moneys so allocated are returned to the~~
19 ~~trust fund by the end of that fiscal year.~~ Moneys in the trust
20 fund may also be used for cemetery grant development purposes
21 provided that any moneys so allocated, except for moneys used
22 for department of administrative services expenditures related
23 to the grant, are returned to the trust fund upon receipt of
24 federal funds received for such purposes.

25 Sec. 4. Section 35A.13, Code 2021, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 3A. *a.* Notwithstanding subsection 4,
28 moneys in the fund, except so much of the fund as may be
29 necessary to be kept on hand for the making of disbursements
30 under this section, shall be invested by the treasurer of
31 state, in consultation with the commission, in any investments
32 authorized for the Iowa public employees' retirement system
33 in section 97B.7A, including common stock, and subject to the
34 requirements of chapters 12F, 12H, and 12J, and the earnings
35 therefrom shall be credited to the fund. The treasurer of

1 state may execute contracts and agreements with investment
2 advisors, consultants, and investment management and benefit
3 consultant firms in the administration of investments of moneys
4 in the fund.

5 *b.* Investment management expenses shall be charged to the
6 investment income of the fund and there is appropriated to the
7 treasurer of state from the investment income of the fund an
8 amount required for the investment management expenses.

9 *c.* For purposes of this subsection, investment management
10 expenses are limited to the following:

11 (1) Fees for investment advisors, consultants, and
12 investment management and benefit consultant firms hired by
13 the treasurer of state in administering the investments of the
14 fund.

15 (2) Fees and costs for safekeeping fund assets.

16 (3) Costs for performance and compliance monitoring, and
17 accounting for fund investments.

18 (4) Any other costs necessary to prudently invest or protect
19 the assets of the fund.

20 *d.* The commission and the treasurer of state, and their
21 employees, are not personally liable for claims based upon an
22 act or omission of the person performed in the discharge of the
23 person's duties concerning the veterans trust fund, except for
24 acts or omissions which involve malicious or wanton misconduct.

25 Sec. 5. Section 35A.13, subsection 4, Code 2021, is amended
26 by striking the subsection and inserting in lieu thereof the
27 following:

28 4. *a.* For each fiscal year that the balance of the trust
29 fund on July 1 is below fifty million dollars, the interest
30 and earnings on moneys in the fund and the first five hundred
31 thousand dollars transferred pursuant to section 99G.39 from
32 the lottery fund are appropriated to the commission to be used
33 to achieve the purposes of subsection 6. Moneys appropriated
34 to the commission under this paragraph that remain unencumbered
35 or unobligated at the end of the fiscal year shall revert to

1 the fund.

2 *b.* For each fiscal year that the balance of the trust fund
3 on July 1 is above fifty million dollars but the balance of the
4 fund was below fifty million dollars on July 1 of the previous
5 fiscal year, moneys transferred pursuant to section 99G.39 from
6 the lottery fund are appropriated to the commission to be used
7 to achieve the purposes of subsection 6. Moneys appropriated
8 to the commission under this paragraph that remain unencumbered
9 or unobligated at the end of the fiscal year shall revert to
10 the fund.

11 *c.* For each fiscal year that the balance of the trust fund
12 on July 1 is above fifty million dollars and the balance of
13 the fund was above fifty million dollars on July 1 of the
14 previous fiscal year, moneys equal to the net income the fund
15 received in the previous fiscal year are appropriated to the
16 commission to be used to achieve the purposes of subsection
17 6. Moneys appropriated to the commission under this paragraph
18 that remain unencumbered or unobligated at the end of the
19 fiscal year shall revert to the fund. For the purposes of this
20 paragraph, "*income*" means moneys credited to the veterans trust
21 fund pursuant to subsection 2 and moneys transferred pursuant
22 to section 99G.39.

23 *d.* Notwithstanding paragraphs "*a*", "*b*", and "*c*", moneys
24 credited to the war orphans educational assistance account
25 shall be expended as provided in subsection 7.>

By JIM CARLIN

S-3059 FILED MARCH 10, 2021

ADOPTED

SENATE FILE 357

S-3062

- 1 Amend Senate File 357 as follows:
- 2 1. Page 1, line 31, by striking <232.45, ~~or~~ 232.45A, or> and
- 3 inserting <232.45 or 232.45A7>
- 4 2. Page 2, line 3, before <the child> by inserting <or>

By ZACH WHITING

S-3062 FILED MARCH 10, 2021

ADOPTED

SENATE FILE 479

S-3061

1 Amend Senate File 479 as follows:

2 1. Page 2, after line 3 by inserting:

3 <5. If the general assembly enacts a law that results in
4 the elimination of a revenue source for a local law enforcement
5 agency of a political subdivision of the state, the local law
6 enforcement agency shall not be required to comply with the law
7 unless the general assembly appropriates moneys sufficient to
8 replace the loss of revenue.>

9 2. By renumbering, redesignating, and correcting internal
10 references as necessary.

By NATE BOULTON

S-3061 FILED MARCH 10, 2021

LOST

SENATE FILE 479

S-3065

1 Amend Senate File 479 as follows:

2 1. Page 2, after line 13 by inserting:

3 <Sec. _____. Section 20.9, subsections 1 and 3, Code 2021, are
4 amended to read as follows:

5 1. For negotiations regarding a bargaining unit with
6 at least ~~thirty percent of members who are public safety~~
7 ~~employees~~ one member who is a public safety employee, the
8 public employer and the employee organization shall meet at
9 reasonable times, including meetings reasonably in advance of
10 the public employer's budget-making process, to negotiate in
11 good faith with respect to wages, hours, vacations, insurance,
12 holidays, leaves of absence, shift differentials, overtime
13 compensation, supplemental pay, seniority, transfer procedures,
14 job classifications, health and safety matters, evaluation
15 procedures, procedures for staff reduction, in-service
16 training, grievance procedures for resolving any questions
17 arising under the agreement, and other matters mutually agreed
18 upon. For negotiations regarding a bargaining unit that does
19 not have at least ~~thirty percent of members who are public~~
20 ~~safety employees~~ one member who is a public safety employee,
21 the public employer and the employee organization shall meet
22 at reasonable times, including meetings reasonably in advance
23 of the public employer's budget-making process, to negotiate
24 in good faith with respect to base wages and other matters
25 mutually agreed upon. Such obligation to negotiate in good
26 faith does not compel either party to agree to a proposal
27 or make a concession. Mandatory subjects of negotiation
28 specified in this subsection shall be interpreted narrowly and
29 restrictively.

30 3. All retirement systems, dues checkoffs, and other
31 payroll deductions for political action committees or other
32 political contributions or political activities shall be
33 excluded from the scope of negotiations. For negotiations
34 regarding a bargaining unit that does not have at least
35 ~~thirty percent of members who are public safety employees~~ one

1 member who is a public safety employee, insurance, leaves of
2 absence for political activities, supplemental pay, transfer
3 procedures, evaluation procedures, procedures for staff
4 reduction, and subcontracting public services shall also be
5 excluded from the scope of negotiations.

6 Sec. _____. Section 20.22, subsection 7, unnumbered paragraph
7 1, Code 2021, is amended to read as follows:

8 For an arbitration involving a bargaining unit that has at
9 ~~least thirty percent of members who are public safety employees~~
10 one member who is a public safety employee, the arbitrator
11 shall consider and specifically address in the arbitrator's
12 determination, in addition to any other relevant factors, the
13 following factors:

14 Sec. _____. Section 20.22, subsection 8, unnumbered paragraph
15 1, Code 2021, is amended to read as follows:

16 For an arbitration involving a bargaining unit that does
17 not have at least ~~thirty percent of members who are public~~
18 ~~safety employees~~ one member who is a public safety employee,
19 the following shall apply:

20 Sec. _____. Section 20.22, subsection 10, paragraph b,
21 subparagraph (1), unnumbered paragraph 1, Code 2021, is amended
22 to read as follows:

23 However, for an arbitration involving a bargaining unit that
24 does not have at least ~~thirty percent of members who are public~~
25 ~~safety employees~~ one member who is a public safety employee,
26 with respect to any increase in base wages, the arbitrator's
27 award shall not exceed the lesser of the following percentages
28 in any one-year period in the duration of the bargaining
29 agreement:

30 Sec. _____. **NEW SECTION. 70A.23A Credit for accrued sick**
31 **leave — public safety employees.**

32 A public safety employee, as defined in section 20.3,
33 subsection 11, who retires and has applied for retirement
34 benefits under an eligible retirement system, shall receive
35 credit for all accumulated, unused sick leave which shall be

S-3065 (Continued)

1 converted at current value and credited to an account for the
2 public safety employee for the purpose of paying the public
3 safety employee's cost of the monthly premiums for continuance
4 of the public safety employee's health insurance plan. Upon
5 the death of a retired public safety employee, the spouse
6 or surviving spouse shall be entitled to the value of the
7 accumulated unused sick leave for the purpose of paying the
8 cost of monthly premiums for continuation of a public safety
9 employee's health insurance policy for the public safety
10 employee's surviving spouse or dependents. This subsection
11 shall not apply to sections 509A.13 and 509A.13A.

12 Sec. _____. Section 85.34, subsection 2, paragraph n, Code
13 2021, is amended by striking the paragraph.>

14 2. Title page, line 1, after <entity> by inserting <
15 collective bargaining, workers' compensation, and retired
16 public safety employee benefits>

17 3. By renumbering as necessary.

By NATE BOULTON

S-3065 FILED MARCH 10, 2021

RULED OUT OF ORDER

SENATE FILE 479

S-3066

1 Amend Senate File 479 as follows:

2 1. Page 2, after line 13 by inserting:

3 <Sec. _____. Section 411.1, subsection 14, Code 2021, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 14. "*Member in good standing*" means any member in service
7 who has not been terminated by the employing city of the
8 member pursuant to section 400.18 or 400.19. Termination
9 procedures initiated by the chief of police or chief of the
10 fire department pursuant to section 400.19 shall not become
11 final or adversely impact a member's status as a member in
12 good standing until all appeals provided by an applicable
13 collective bargaining agreement or by law have been exhausted.
14 Disciplinary action other than discharge shall not adversely
15 affect a member's status as a member in good standing.

16 Sec. _____. Section 411.1, Code 2021, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 15A. "*Ordinary disability beneficiary*"
19 means a member retired on an ordinary disability retirement
20 benefit pursuant to section 411.6, subsection 3, for five years
21 or less.

22 Sec. _____. Section 411.6, subsection 5, paragraphs a and b,
23 Code 2021, are amended to read as follows:

24 a. Upon application to the system, of a member in good
25 standing, of an ordinary disability beneficiary, or of the
26 chief of the police or fire departments, respectively, any
27 member in good standing or ordinary disability beneficiary
28 who has become totally and permanently incapacitated for duty
29 as the natural and proximate result of an injury or disease
30 incurred in or aggravated by the actual performance of duty
31 ~~at some definite time and place~~ or arising out of and in the
32 course of the employment, or while acting pursuant to order,
33 outside of the city by which the member is regularly employed,
34 shall be retired by the system if the medical board certifies
35 that the member or ordinary disability beneficiary is mentally

1 or physically incapacitated for further performance of duty,
2 that the incapacity is likely to be permanent, and that the
3 member or ordinary disability beneficiary should be retired.
4 However, if a person's membership in the system first commenced
5 on or after July 1, 1992, the member or ordinary disability
6 beneficiary shall not be eligible for benefits with respect to
7 a disability which would not exist, but for a medical condition
8 that was known to exist on the date that membership commenced.
9 A medical condition shall be deemed to have been known to exist
10 on the date that membership commenced if the medical condition
11 is reflected in any record or document completed or obtained
12 in accordance with the system's medical protocols pursuant to
13 section 400.8, or in any other record or document obtained
14 pursuant to an application for disability benefits from the
15 system, if such record or document existed prior to the date
16 membership commenced. A member who is denied a benefit under
17 this subsection, by reason of a finding by the medical board
18 that the member is not mentally or physically incapacitated
19 for the further performance of duty, shall be entitled to
20 be restored to active service in the same position held
21 immediately prior to the application for disability benefits.

22 *b.* If a member in service or the chief of the police or
23 fire departments becomes incapacitated for duty as a natural
24 or proximate result of an injury or disease incurred in or
25 aggravated by the actual performance of duty ~~at some definite~~
26 ~~time or place~~ or arising out of or in the course of the
27 employment, or while acting, pursuant to order, outside the
28 city by which the member is regularly employed, the member,
29 upon being found to be temporarily incapacitated following a
30 medical examination as directed by the city, is entitled to
31 receive the member's full pay and allowances from the city's
32 general fund or trust and agency fund until reexamined as
33 directed by the city and found to be fully recovered or until
34 the city determines that the member is likely to be permanently
35 disabled. If the temporary incapacity of a member continues

1 more than sixty days, or if the city expects the incapacity
2 to continue more than sixty days, the city shall notify the
3 system of the temporary incapacity. Upon notification by a
4 city, the system may refer the matter to the medical board for
5 review and consultation with the member's treating physician
6 during the temporary incapacity. Except as provided by this
7 paragraph, the board of trustees of the statewide system has no
8 jurisdiction over these matters until the city determines that
9 the disability is likely to be permanent.

10 Sec. _____. Section 411.6, subsection 5, Code 2021, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *Od.* Disease under this subsection shall
13 also mean any incapacitating mental disorder arising out of
14 and in the course of the employment, or while acting, pursuant
15 to order, outside the city by which the member is regularly
16 employed. A disease shall qualify as an incapacitating mental
17 disorder irrespective of the absence of similar effects on
18 other members.

19 Sec. _____. Section 411.6, subsection 6, Code 2021, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *d.* (1) Upon a determination on or after
22 July 1, 2021, that an ordinary disability beneficiary is
23 entitled to a retirement for accidental disability, the
24 beneficiary shall receive an accidental disability retirement
25 allowance which shall consist of a pension in an amount that is
26 equal to the greater of sixty percent of the member's average
27 final compensation or the retirement allowance that the member
28 would receive under subsection 2 if the member had attained
29 fifty-five years of age, or an amount equal to the ordinary
30 disability retirement allowance previously received by the
31 beneficiary, whichever is greater.

32 (2) An accidental disability allowance under this paragraph
33 shall commence effective the first day of the first month
34 following the determination that the ordinary disability
35 beneficiary is entitled to a retirement for accidental

1 disability.

2 Sec. _____. Section 411.6, subsection 9, paragraph a,
3 subparagraph (1), Code 2021, is amended to read as follows:

4 (1) If, upon the receipt of evidence and proof from the
5 chief of the police or fire department that the death of a
6 member in service was the natural and proximate result of an
7 injury or disease incurred in or aggravated by the actual
8 performance of duty ~~at some definite time and place~~ or arising
9 out of and in the course of the employment, or while acting
10 pursuant to order, outside of the city by which the member is
11 regularly employed, the system decides that death was so caused
12 in the performance of duty, there shall be paid, in lieu of the
13 ordinary death benefit provided in subsection 8, an accidental
14 death benefit as set forth in this subsection.

15 Sec. _____. Section 411.6, subsection 16, Code 2021, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. d. A person otherwise eligible to receive an
18 ordinary or accidental disability retirement benefit under this
19 chapter shall not be eligible to receive such a benefit if the
20 person is subsequently terminated or removed by the employing
21 city of the person pursuant to section 400.18 or 400.19, or
22 other comparable process. Upon determination of ineligibility
23 pursuant to this paragraph, the person's entitlement to a
24 disability benefit under this chapter shall terminate and any
25 disability retirement allowance received by such a person must
26 be returned to the system together with interest earned on the
27 disability retirement allowance calculated at a rate determined
28 by the system. However, the determination of ineligibility
29 as provided under this paragraph may be waived for good cause
30 as determined by the board. The burden of establishing good
31 cause is on the person who received the disability retirement
32 allowance.

33 Sec. _____. Section 411.8, subsection 1, paragraph f,
34 subparagraph (8), Code 2021, is amended to read as follows:

35 (8) Beginning July 1, 1996, and each fiscal year thereafter,

1 an amount equal to the member's contribution rate times each
2 member's compensation shall be paid to the fund from the
3 earnable compensation of the member. For the purposes of this
4 subparagraph, the member's contribution rate shall be nine
5 and thirty-five hundredths percent ~~or, beginning July 1, 2009~~
6 until June 30, 2009, nine and four-tenths percent until June
7 30, 2021, and, beginning July 1, 2021, nine and fifty-five
8 hundredths percent. However, the system shall increase the
9 member's contribution rate as necessary to cover any increase
10 in cost to the system resulting from statutory changes which
11 are enacted by any session of the general assembly meeting
12 after January 1, 1991, if the increase cannot be absorbed
13 within the contribution rates otherwise established pursuant to
14 this paragraph, but subject to a maximum employee contribution
15 rate of eleven and three-tenths percent or, beginning July
16 1, 2009, eleven and thirty-five hundredths percent. The
17 contribution rate increases specified in 1994 Iowa Acts, ch.
18 1183, pursuant to this chapter and chapter 97A shall be the
19 only member contribution rate increases for these systems
20 resulting from the statutory changes enacted in 1994 Iowa
21 Acts, ch. 1183, and shall apply only to the fiscal periods
22 specified in 1994 Iowa Acts, ch. 1183. After the employee
23 contribution reaches eleven and three-tenths percent or eleven
24 and thirty-five hundredths percent, as applicable, sixty
25 percent of the additional cost of such statutory changes shall
26 be paid by employers under paragraph "c" and forty percent
27 of the additional cost shall be paid by employees under this
28 paragraph.

29 Sec. _____. Section 411.15, Code 2021, is amended to read as
30 follows:

31 **411.15 Hospitalization and medical attention.**

32 1. a. Cities shall provide hospital, nursing, and medical
33 attention for the members of the police and fire departments
34 of the cities, when injured while in the performance of their
35 duties as members of such department, ~~and~~ or for injuries and

1 diseases arising out of and in the course of the employment.

2 b. Cities shall continue to provide hospital, nursing, and
3 medical attention for injuries or diseases incurred while in
4 the performance of their duties or arising out of and in the
5 course of the employment for members or beneficiaries receiving
6 a retirement allowance under section 411.6, subsection 6.

7 2. a. Cities may fund the cost of the hospital, nursing,
8 and medical attention required by this section through the
9 purchase of insurance, by self-insuring the obligation, or
10 through payment of moneys into a local government risk pool
11 established for the purpose of covering the costs associated
12 with the requirements of this section. However, the cost of
13 the hospital, nursing, and medical attention required by this
14 section shall not be funded through an employee-paid health
15 insurance policy.

16 b. A member or beneficiary shall not be required to pay the
17 cost of the hospital, nursing, and medical attention required
18 by this section, including but not limited to any costs
19 or premiums associated with any insurance policy providing
20 coverage for the hospital, nursing, and medical attention.

21 c. The cost of the hospital, nursing, and medical attention
22 required by this section shall be paid from moneys held in a
23 trust and agency fund established pursuant to section 384.6,
24 or out of the appropriation for the department to which the
25 injured person belongs or belonged; provided that any amounts
26 received by the injured person from any other source for such
27 specific purposes, shall be deducted from the amount paid by
28 the city under the provisions of this section.

29 3. a. For purposes of this subsection, "date of the
30 occurrence of the injury or disease" means the date that the
31 member or beneficiary knew or should have known that the injury
32 or disease was work-related.

33 b. To be provided the cost of the hospital, nursing, and
34 medical attention required by this section, the city or the
35 city's representative shall have actual knowledge of the

S-3066 (Continued)

1 occurrence of an injury or disease or be provided notice of the
2 occurrence of an injury or disease on behalf of a member or
3 beneficiary within ninety days from the date of the occurrence
4 of the injury or disease.

5 c. An action to require the city to provide the cost of
6 the hospital, nursing, and medical attention required by this
7 section shall not be maintained unless the action is commenced
8 before the later of any of the following:

9 (1) Two years from the date of the occurrence of the injury
10 or disease.

11 (2) Two years from the date the city denies a claim to
12 provide hospital, nursing, and medical attention required by
13 this section.

14 (3) Five years from the last date of employment of the
15 member if the action is related to costs associated with a
16 disease as specified in section 411.6, subsection 5.>

17 2. Title page, line 1, after <entity> by inserting <and
18 benefits concerning members of the municipal fire and police
19 retirement system>

By JACKIE SMITH

[S-3066](#) FILED MARCH 10, 2021

RULED OUT OF ORDER

SENATE FILE 534

S-3063

- 1 Amend Senate File 534 as follows:
- 2 1. Page 1, by striking lines 1 through 12.
- 3 2. By striking page 1, line 32, through page 2, line 21.
- 4 3. Page 7, after line 32 by inserting:
- 5 <Sec. ____ . NEW SECTION. 723.6 Interference with public
- 6 disorder control.
- 7 Any person who possesses a tool, instrument, or device
- 8 with the intent to use the tool, instrument, or device to
- 9 suppress or disrupt law enforcement from legally deploying a
- 10 device to control public disorder under this chapter commits an
- 11 aggravated misdemeanor.>
- 12 4. By renumbering as necessary.

By DAN DAWSON

S-3063 FILED MARCH 10, 2021

ADOPTED

SENATE FILE 534

S-3067

- 1 Amend Senate File 534 as follows:
- 2 1. Page 5, by striking lines 7 through 19.
- 3 2. Page 6, line 3, by striking <an aggravated> and inserting
- 4 <a serious>
- 5 3. Page 8, line 2, after <for> by inserting <a second time
- 6 during the same event for>
- 7 4. Page 8, by striking lines 7 through 12 and inserting
- 8 <twenty-four hours after the time of the second arrest.>
- 9 5. Page 8, line 16, before <arrest> by inserting <second>
- 10 6. Page 8, after line 18 by inserting:
- 11 <c. A defendant arrested for a second time during the same
- 12 event for an offense listed in paragraph "a" shall be charged
- 13 for an offense one degree higher than the underlying offense.>
- 14 7. By renumbering as necessary.

By KEVIN KINNEY

S-3067 FILED MARCH 10, 2021

LOST

SENATE FILE 534

S-3068

1 Amend the amendment, S-3063, to Senate File 534 as follows:

2 1. Page 1, after line 2 by inserting:

3 <___. Page 1, before line 13 by inserting:

4 1. Page 1, after line 12 by inserting:

5 <Sec. ___. NEW SECTION. 80I.1 Purpose — construction.

6 It is the purpose of this chapter to prohibit disparate
7 treatment in law enforcement, including racial and ethnic
8 profiling, to foster trust and cooperation with law enforcement
9 in Iowa communities and to create a safer state for all Iowans.

10 Sec. ___. NEW SECTION. 80I.2 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Board*" means the justice and community policing advisory
14 board established in section 216A.132.

15 2. "*Disparate treatment*" means differential treatment of
16 a person on the basis of personal demographics. "*Disparate*
17 *treatment*" does not include reliance on a specific subject
18 description-based identification.

19 3. "*Law enforcement activities*" means activities performed
20 by law enforcement officers including but not limited to
21 noncustodial questioning; interviews; vehicle, bicycle,
22 pedestrian, check point and roadblock stops; frisks and
23 other types of body searches; consensual and nonconsensual
24 searches of a person or the property of a person; consensual
25 and nonconsensual home searches; and in-person or electronic
26 contact with potential victims of and witnesses to a crime.
27 With regard to vehicle, bicycle, and pedestrian stops, "*law*
28 *enforcement activities*" includes not only law enforcement
29 actions that occur when initiating a stop but also law
30 enforcement actions that occur during the course of a
31 stop, including asking questions, frisks, consensual and
32 nonconsensual searches of a person or any property of a person,
33 seizing any property, removing occupants from a motor vehicle
34 during a traffic stop, issuing a warning or citation, and
35 making an arrest.

1 4. "*Law enforcement agency*" means any agency, department, or
2 division of a municipal corporation, political subdivision, or
3 other unit of local government of this state, and any agency,
4 department, or division of state government, having as its
5 primary function the prevention and detection of crime and the
6 enforcement of the criminal laws of this state.

7 5. "*Law enforcement officer*" means the same as defined in
8 section 80B.3.

9 6. "*Law enforcement services*" means activities that
10 contribute to the overall well-being and safety of the
11 public to include but not be limited to crime prevention and
12 investigation, preventative patrols, traffic control, traffic
13 accident response, medical emergency services and lifesaving
14 services, assistance at fire scenes, and public information and
15 education.

16 7. "*Personal demographics*" means personal characteristics
17 which include but are not limited to race, creed, color,
18 national origin, ethnicity, religion, sex, gender identity or
19 expression, sexual orientation, physical or mental disability,
20 or any other identifiable characteristics.

21 8. "*Specific subject description-based identification*"
22 means a reasonably detailed description of a specific person
23 including personal identifying characteristics of a potential
24 suspect or victim, including personal demographics.

25 9. "*Stop*" means the detention or temporary detention of
26 a person by a law enforcement officer, regardless of whether
27 a written warning or ticket is issued, an arrest is made,
28 a verbal warning is given, or the person is released from
29 detention or temporary detention.

30 Sec. ____ . NEW SECTION. 80I.3 Disparate treatment
31 prohibited.

32 1. A state or local law enforcement officer or civilian
33 employee of a law enforcement agency performing law enforcement
34 activities or delivering law enforcement services shall not
35 engage in the disparate treatment of any person.

1 2. A law enforcement officer shall not engage in disparate
2 treatment when detaining a person, conducting a stop, or
3 engaging in any other interactions with a person subsequent to
4 a stop.

5 Sec. _____. NEW SECTION. **80I.4 Data collection and reporting.**

6 1. Each state and local law enforcement agency shall
7 collect and compile data on every stop conducted by a law
8 enforcement officer during a calendar year, and shall submit
9 an annual report, no later than November 1, to the division of
10 criminal and juvenile justice planning of the department of
11 human rights. The following information shall be collected,
12 compiled, and reported when a law enforcement officer stops a
13 person and requests the person's identification:

14 *a.* The time, date, and location of the stop.

15 *b.* The nature of the alleged law violation that resulted in
16 the stop.

17 *c.* Whether an arrest was made.

18 *d.* Whether a search was conducted as a result of the stop.

19 *e.* Whether an oral or written warning was given or a
20 citation was issued.

21 *f.* The offense the person was arrested for, if applicable.

22 *g.* The identifying characteristics of the person including
23 the person's race or ethnicity, sex, and age.

24 *h.* Any other information which the law enforcement officer
25 or law enforcement agency considers appropriate.

26 2. In consultation with law enforcement agencies, the
27 board, the department of public safety, and the division of
28 criminal and juvenile justice planning of the department of
29 human rights shall develop a uniform manner for each law
30 enforcement agency to report the information described in
31 subsection 1.

32 Sec. _____. NEW SECTION. **80I.5 Data analysis.**

33 The division of criminal and juvenile justice planning of
34 the department of human rights shall compile all data reported
35 pursuant to section 80I.4, analyze the data in a timely manner,

1 and provide an analysis of the data along with the compiled
2 data to the board no later than December 1 of each year. The
3 report shall be accessible to the public from a prominent place
4 on the board's website.

5 Sec. _____. NEW SECTION. **80I.6 Investigations — civil**
6 **remedies.**

7 1. A law enforcement agency shall investigate all alleged
8 violations of section 80I.3 administratively, including through
9 the law enforcement agency's human resource office or internal
10 affairs office.

11 2. A person shall have the right to pursue civil remedies
12 under chapters 669 and 670 for violations of section 80I.3.

13 Sec. _____. Section 216A.3, subsection 2, paragraph a, Code
14 2021, is amended to read as follows:

15 a. The voting members shall consist of nine voting members
16 selected by each of the permanent commissions within the
17 department, and two voting members, appointed by the governor.
18 For purposes of this paragraph "a", "*permanent commissions*"
19 means the commission of Latino affairs, commission on the
20 status of women, commission of persons with disabilities,
21 commission on community action agencies, commission of deaf
22 services, justice and community policing advisory board,
23 commission on the status of African Americans, commission of
24 Asian and Pacific Islander affairs, and commission of Native
25 American affairs. The term of office for voting members is
26 four years.

27 Sec. _____. Section 216A.131, subsection 2, Code 2021, is
28 amended to read as follows:

29 2. "*Board*" means the justice and community policing advisory
30 board.

31 Sec. _____. Section 216A.132, subsection 1, Code 2021, is
32 amended by striking the subsection and inserting in lieu
33 thereof the following:

34 1. A justice and community policing advisory board is
35 established consisting of thirty-two members who shall all

1 reside in the state.

2 *a.* The governor shall appoint thirteen voting members
3 each for a four-year term beginning and ending as provided in
4 section 69.19 and subject to confirmation by the senate as
5 follows:

6 (1) A sheriff who is a member of the Iowa state sheriffs'
7 and deputies' association.

8 (2) A chief of police who is a member of the Iowa police
9 chiefs association.

10 (3) A peace officer who is a member of the Iowa peace
11 officers association.

12 (4) A peace officer who is a member of the fraternal order
13 of police.

14 (5) A peace officer who is a member of the Iowa state police
15 association.

16 (6) A representative from the Iowa-Nebraska national
17 association for the advancement of colored people.

18 (7) A representative from the American civil liberties
19 union of Iowa.

20 (8) A representative from the Iowa coalition for collective
21 change.

22 (9) One person who was formerly under juvenile court or
23 correctional supervision.

24 (10) A representative from the office of the state public
25 defender.

26 (11) A representative from the Iowa county attorneys
27 association.

28 (12) Two persons representing the general public who are
29 not employed in any law enforcement, judicial, or corrections
30 capacity, including one person who is older than fifteen years
31 of age but less than twenty-five years of age.

32 *b.* The following shall serve on the board as ex officio,
33 nonvoting members:

34 (1) The chairperson of the commission on the status of
35 African Americans or its designee.

- 1 (2) The chairperson of the commission of Latino affairs or
2 its designee.
- 3 (3) The chairperson of the commission of Asian and Pacific
4 Islander affairs or its designee.
- 5 (4) The chairperson of the commission of Native American
6 affairs or its designee.
- 7 (5) The director of the department of human services or its
8 designee.
- 9 (6) The director of the department of public health or its
10 designee.
- 11 (7) The commissioner of the department of public safety or
12 its designee.
- 13 (8) The director of the Iowa law enforcement academy or its
14 designee.
- 15 (9) The director of the department of corrections or its
16 designee.
- 17 (10) The chairperson of the board of parole or its designee.
- 18 (11) The attorney general or its designee.
- 19 (12) The director of the governor's office of drug control
20 policy or its designee.
- 21 (13) One member representing the judicial district
22 departments of correctional services designated by a majority
23 of the directors of the judicial district departments of
24 correctional services.
- 25 (14) The chief justice of the supreme court shall designate
26 the following:
- 27 (a) One member who is a district judge.
- 28 (b) One member who is either a district associate judge or
29 associate juvenile judge.
- 30 (15) The chairperson and ranking member of the senate
31 committee on judiciary shall be ex officio, nonvoting members.
32 In alternating two-year terms, beginning and ending as provided
33 in section 69.16B, the chairperson and ranking member of the
34 house committee on judiciary or of the house committee on
35 public safety shall be ex officio, nonvoting members, with the

S-3068 (Continued)

1 chairperson and ranking member of the house committee on public
2 safety serving during the term beginning in January 2022.

3 Sec. _____. Section 216A.133, subsection 3, paragraph o, Code
4 2021, is amended by adding the following new subparagraph:
5 NEW SUBPARAGRAPH. (9) Potential disparity in law
6 enforcement activities and the delivery of law enforcement
7 services.

8 Sec. _____. Section 216A.133, subsection 3, Code 2021, is
9 amended by adding the following new paragraphs:

10 NEW PARAGRAPH. s. Studying and making recommendations for
11 eliminating disparity in law enforcement activities and the
12 delivery of law enforcement services.

13 NEW PARAGRAPH. t. Recommending to the department the
14 adoption of rules pursuant to chapter 17A as it deems necessary
15 for the collection, compilation, and reporting of stop data
16 pursuant to section 80I.4.

17 Sec. _____. Section 216A.135, subsection 2, Code 2021, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. g. An assessment and analysis of the
20 collection, compilation, and reporting of stop data compiled by
21 law enforcement agencies, including an analysis of disparate
22 treatment based on personal demographics across geographic
23 areas of the state, the past and current status of racial
24 profiling across the state, and the impact on law enforcement
25 stop, search, and seizure tactics.>>

26 2. By renumbering as necessary.

By LIZ MATHIS

S-3068 FILED MARCH 10, 2021

RULED OUT OF ORDER

SENATE FILE 540

S-3060

- 1 Amend Senate File 540 as follows:
- 2 1. Page 1, line 3, by striking <salons> and inserting
3 ~~<salons establishments>~~
- 4 2. Page 2, lines 14 and 15, by striking <arranging,
5 dressing,>
- 6 3. Page 2, before line 21 by inserting:
7 <NEW SUBSECTION. 10A. "Establishment" means a fixed place
8 or a place that is readily movable where one or more persons
9 engage in the practice of cosmetology arts and sciences,
10 including but not limited to a retail establishment.>
- 11 4. Page 3, line 3, by striking <paragraphs> and inserting
12 <paragraph>
- 13 5. Page 3, by striking line 4.
- 14 6. Page 3, line 5, by striking <g.> and inserting <f.>
- 15 7. Page 3, before line 9 by inserting:
16 <Sec. ____ . Section 157.1, subsection 26, Code 2021, is
17 amended by striking the subsection.>
- 18 8. Page 3, line 9, by striking <subsections 26 and> and
19 inserting <subsection>
- 20 9. Page 3, line 10, by striking <are> and inserting <is>
- 21 10. Page 3, by striking lines 11 through 16.
- 22 11. Page 4, by striking lines 19 and 20 and inserting:
23 <NEW SUBSECTION. 6. Shaving or trimming for hair removal
24 by the use of a straight edge razor shall only be performed by
25 the>
- 26 12. Page 4, line 31, by striking <salon> and inserting
27 ~~<salon establishments>~~
- 28 13. Page 4, after line 32 by inserting:
29 <Sec. ____ . Section 157.6, Code 2021, is amended to read as
30 follows:
31 **157.6 Sanitary rules — practice in the home.**
32 The department shall prescribe sanitary rules for ~~salons~~
33 establishments and schools of cosmetology arts and sciences
34 which shall include the sanitary conditions necessary for
35 the practice of cosmetology arts and sciences and for the

1 prevention of infectious and contagious diseases. Subject
2 to local zoning ordinances, ~~a salon~~ an establishment may be
3 established in a residence if a room other than the living
4 quarters is equipped for that purpose. The department shall
5 enforce this section and make necessary inspections for
6 enforcement purposes.>

7 14. Page 7, by striking lines 7 through 11 and inserting:
8 <Sec. _____. Section 157.11, Code 2021, is amended to read as
9 follows:

10 **157.11 ~~Salon~~ Establishment licenses.**

11 1. ~~A salon~~ An establishment shall not operate unless the
12 owner has obtained a license issued by the department. The
13 owner shall apply to the department on forms prescribed by the
14 board. The department may perform a sanitary inspection of
15 each ~~salon~~ establishment biennially and may perform a sanitary
16 inspection of ~~a salon~~ an establishment prior to the issuance of
17 a license. An inspection of ~~a salon~~ an establishment may also
18 be conducted upon receipt of a complaint by the department.

19 2. The application shall be accompanied by the biennial
20 license fee determined pursuant to section 147.80. The license
21 is valid for two years and may be renewed.

22 3. A licensed school of cosmetology arts and sciences at
23 which students practice cosmetology arts and sciences is exempt
24 from licensing as ~~a salon~~ an establishment.>

25 15. Page 7, line 18, by striking <salon> and inserting
26 <~~salon~~ establishment>

27 16. Page 7, line 25, by striking <salon> and inserting
28 <~~salon~~ establishment>

29 17. By striking page 7, line 29, through page 8, line 6, and
30 inserting:

31 <Sec. _____. Section 157.13, subsection 3, Code 2021, is
32 amended to read as follows:

33 3. If the owner or manager of ~~a salon~~ an establishment does
34 not comply with the sanitary rules adopted under section 157.6
35 or fails to maintain the ~~salon~~ establishment as prescribed by

S-3060 (Continued)

1 rules of the department, the department may notify the owner
2 or manager in writing of the failure to comply. If the rules
3 are not complied with within five days after receipt of the
4 written notice by the owner or manager, the department shall in
5 writing order the ~~salon~~ establishment closed until the rules
6 are complied with. It is unlawful for a person to practice
7 in a ~~salon~~ an establishment which has been closed under this
8 section. The county attorney in each county shall assist the
9 department in enforcing this section.>
10 18. By renumbering, redesignating, and correcting internal
11 references as necessary.

By CHRIS COURNOYER

[S-3060](#) FILED MARCH 10, 2021

ADOPTED

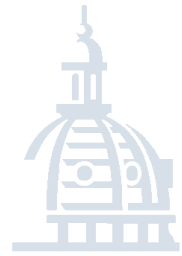
HOUSE FILE 561

S-3064

1 Amend House File 561, as passed by the House, as follows:
2 1. Page 1, line 11, by striking <subsection 1,>
3 2. Page 1, after line 12 by inserting:
4 **<572.32 Attorney fees — remedies.>**
5 3. Page 1, after line 15 by inserting:
6 <2. In a court action to challenge a mechanic's lien posted
7 on a residential construction property, or any bond given in
8 lieu thereof, if the person challenging the lien or defending
9 against any action on the bond prevails, the court may award
10 reasonable attorney fees and actual damages. If the court
11 determines that the mechanic's lien was posted in bad faith
12 or the supporting affidavit was materially false, the court
13 shall award the owner reasonable attorney fees plus an amount
14 not less than five hundred dollars or the amount of the lien,
15 whichever is less.>

By JULIAN GARRETT

S-3064 FILED MARCH 10, 2021



[SF 534](#) – Public Safety Omnibus (LSB2506SV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 534](#) relates to law enforcement and certain criminal offenses.

Section 1 of SF 534 provides that an officer who has suffered any injury, physical or otherwise, during the performance of official duties or duties directly related to the officer's status as an officer, including knowingly filing a false complaint, has the right to pursue civil remedies against any person, group of persons, or organization for damages including but not limited to actual damages, court costs, and reasonable attorney costs.

Section 2 relates to immunity from civil liability for certain vehicle operators. The Bill provides that a driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic on a public roadway is immune from civil liability for the caused injury. This provision does not apply if the injured person was participating in a protest or demonstration with a valid permit allowing persons to do so on a public roadway.

Section 3 requires county recorders to implement and maintain a process for redacting the names of any law enforcement officer, State or judicial officer, or State or federal prosecutor contained in electronic documents that are accessible to the public. This Section allows the county recorders to charge an additional \$1 fee for each recorded transaction for which a fee is currently charged under Iowa Code section [331.604](#)(1) to offset the cost resulting from implementing and maintaining a process for name redaction.

Section 4 provides that a peer support group counselor who obtains information from an officer or civilian employee of a law enforcement agency or fire department is prohibited from disclosing confidential information as entrusted to the counselor during times of peer support counseling.

Sections 5 through 12 relate to numerous criminal offenses. The Bill expands the definition of assault under Iowa Code section [708.1](#) to include intentionally pointing a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. The definition does not apply to:

- A law enforcement officer who uses a laser in discharging or attempting to discharge the officer's official duties.
- A health care professional who uses a laser in providing services or to any other person who is licensed or authorized by law to use a laser or uses it in the performance of official duties.
- A person who uses a laser to play laser tag, paintball, and other similar games using light-emitting diode technology.

The Bill also adds a civilian employee of a law enforcement agency or fire department to the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. A person who commits assault against a person engaged in these

occupations with intent to inflict serious injury or who uses or displays a dangerous weapon in connection with an assault against a person engaged in these occupations is guilty of a Class C felony, and a person who commits an assault against a person engaged in these occupations which causes bodily injury or mental illness is guilty of a Class D felony, with a mandatory minimum term of imprisonment of one year. Individuals who commit any other type of assault against a person engaged in these occupations are guilty of an aggravated misdemeanor.

Senate File 534 expands the definition of harassment in the first degree to provide that a person commits harassment in the first degree when the person commits harassment against another individual who is lawfully in a place of public accommodation. A person who commits harassment in the first degree is guilty of an aggravated misdemeanor. The Bill also expands the definition of criminal mischief in the second degree to include acts that damage, deface, alter, or destroy any publicly owned property, including monuments and statues. A person who commits criminal mischief in the second degree is guilty of a Class D felony. Additionally, the Bill increases the penalty for a riot crime, as defined in Iowa Code section [723.1](#), from an aggravated misdemeanor to a Class D felony, and increases the penalty for unlawful assembly, as defined in Iowa Code section [723.2](#), from a simple to an aggravated misdemeanor. The Bill provides that a defendant arrested for criminal mischief in the second degree shall not be released within 24 hours of the time of arrest unless a court finds the defendant is not likely to immediately resume criminal behavior.

Senate File 534 defines the act of disorderly conduct under Iowa Code section [723.4](#) to include the following:

- Engaging in fighting or violent behavior in any public place.
- Making loud and raucous noises in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.
- Directing abuse epithets or threatening gestures which a person knows or reasonably should know are likely to provoke a violent reaction.
- Disturbing any lawful assembly or meeting by conduct intended to disrupt such events, without lawful authority.
- Initiating, through word or action, a false report when it is known that such a report is baseless.
- Knowingly and publicly defacing, defiling, mutilating, showing disrespect for, trampling, or using the American flag with the intent or reasonable expectation that doing so will provoke or encourage another to trespass or commit assault.

In committing any of those actions, a person commits a simple misdemeanor.

Additionally, a person commits disorderly conduct and is subject to a criminal penalty in the following circumstances:

- A person is guilty of a serious misdemeanor when the person, without lawful authority, obstructs any public roadway with the intent to prevent or hinder its lawful use by others.
- A person is guilty of an aggravated misdemeanor when the person:
 - Obstructs or attempts to fully obstruct a fully controlled access facility or public roadway with certain speed restrictions.
 - Commits property damage.
 - Is present during an unlawful assembly as defined in Iowa Code section 723.2.
- A person is guilty of a Class D felony when the person:
 - Is present during a riot as defined in Iowa Code section 723.1.
 - Causes bodily injury.
- A person is guilty of a Class C felony when the person causes serious bodily injury or death.

Background

Current law provides that all acts of disorderly conduct under Iowa Code section 723.4 are simple misdemeanors.

Additionally, under current law, a person who commits assault against a person engaged in certain occupations with intent to inflict serious injury or who uses or displays a dangerous weapon when committing assault against a person engaged in certain occupations is guilty of a Class D felony, and a person who commits an assault against a person engaged in certain occupations which causes bodily injury or mental illness is guilty of an aggravated misdemeanor. Individuals who commit any other type of assault are guilty of a serious misdemeanor.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but no more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but no more than \$10,245. A Class C felony is punishable by confinement of no more than 10 years and a fine of at least \$1,370 but not more than \$13,660.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Due to the penalty increases, it is assumed that the prison population will increase and that the associated probation population will subsequently decrease.

Correctional Impact

Senate File 534 is estimated to have a correctional impact as it will likely increase the number of individuals under correctional supervision and the LOS. The impact is detailed by criminal offense below.

Assault

Senate File 534 expands the definition of assault and increases related criminal penalties.

Table 1 provides the total cost of prison and probation admissions for one cohort of assault convictions under current law.

Table 1 — Estimated Cost of Assault Prison and Probation Admissions, Current Law

Current Law					
Offense Class	Admissions	LOS (in days)	Marginal Cost (per day)	Cost	
Prison					
Class D Felony	15	486	\$ 20.33	\$	148,206
Aggravated Misdemeanor	7	271	20.33		38,566
Serious Misdemeanor	3	319	20.33		19,456
Total	25	N/A	N/A	\$	206,228
Probation					
Aggravated Misdemeanor	33	614	\$ 5.38	\$	109,010
Serious Misdemeanor	57	459	5.38		140,757
Total	90	N/A	N/A	\$	249,767
				Total Cost	\$ 455,994

Table 2 provides the estimated total cost of prison and probation admissions for one cohort of assault convictions under SF 534.

Table 2 — Estimated Cost of Assault Prison and Probation Admissions, SF 534

Proposed Law					
Offense Class	Admissions	Additional Prison Admissions	LOS (in days)	Marginal Cost (per day)	Cost
Prison					
Class C Felony	15	0	2,189	\$ 20.33	\$ 667,536
Class D Felony	7	6	486	20.33	128,445
Aggravated Misdemeanor	3	1	271	20.33	22,038
Total	25	7	N/A	N/A	\$ 818,019
Probation					
Class D Felony	27	N/A	1,094	\$ 5.38	\$ 158,914
Aggravated Misdemeanor	56	N/A	614	5.38	184,986
Total	83	N/A	N/A	N/A	\$ 343,900
				Total Cost	\$ 1,161,919

The Department of Corrections (DOC) estimates that the changes SF 534 makes to the definition of assault and the increase in related penalties will lead to an increase of \$705,925 in costs to the correctional system.

Harassment in the First Degree

Senate File 534 expands the definition of harassment in the first degree, and the correctional impact cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one individual convicted of an offense under Iowa Code section [708.7](#) was \$5,500.

Criminal Mischief in the Second Degree

Senate File 534 expands the definition of criminal mischief in the second degree, and the correctional impact cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one correctional cohort of most serious offenses under Iowa Code chapter [716](#) was approximately \$1.2 million. This includes supervision in prison, probation, parole, and work release.

Riot Crimes

Senate File 534 increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. Over the last five fiscal years, FY 2016 through FY 2020, there was one prison admission for the most serious offense under Iowa Code section 723.1. The DOC notes that individuals convicted of this crime are much more likely to be admitted to supervision under Community-Based Corrections (CBC) rather than prison supervision. In FY 2020, there were 24 individuals who were admitted to CBC on a most serious offense of a riot crime. Increasing the penalty from an aggravated misdemeanor to a Class D felony will result in an increase in admissions to prison supervision. The DOC estimates that the cost of moving one cohort of admissions for a riot crime from an aggravated misdemeanor to a Class D felony will total \$40,500.

Unlawful Assembly

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. In FY 2020, there were two admissions to CBC for a most serious offense of unlawful assembly. Due to the minimal counts of admissions under this crime, the DOC estimates that the correctional impact of increasing the penalty for unlawful assembly from a simple to an aggravated misdemeanor will be minimal.

Disorderly Conduct

Senate File 534 increases the penalty for certain types of disorderly conduct under Iowa Code section 723.4 from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The correctional impact of the section of SF 534 relating to disorderly conduct cannot be determined. The Bill changes the definition of disorderly conduct in such a way that it is difficult to determine penalty provisions due to the significant variance in individual circumstances and outcomes. In FY 2020, there were 154 admissions to CBC for a most serious offense under Iowa Code section [723.4](#). The DOC estimates that some crimes that are currently categorized under simple misdemeanors would be categorized into higher penalty classes under the Bill, but the extent of that increase cannot be calculated due to unavailability of existing data.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

The minority impact of SF 534 varies by criminal offense and is detailed by individual section below.

Assault

Senate File 534 expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for assault offenses was 75.0% Caucasian and 16.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Harassment in the First Degree

Senate File 534 establishes a new crime under the definition of harassment in the first degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for the offense of harassment in the first degree was 73.0% Caucasian and 19.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Criminal Mischief in the Second Degree

The Bill expands the definition of criminal mischief in the second degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for criminal mischief in the second degree was 74.0% Caucasian and 21.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Riot Crimes

The Bill increases the existing penalty for a riot crime from an aggravated misdemeanor to a Class D felony. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for riot crime offenses was 29.0% Caucasian and 71.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Unlawful Assembly

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#). Due to low numbers of convictions of unlawful assembly, the minority impact on those populations cannot be assessed.

Disorderly Conduct

Senate File 534 increases the penalty for certain types of disorderly conduct depending on the circumstances and severity of the crime. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for disorderly conduct was 56.0% Caucasian and 30.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of SF 534 varies by criminal offense and is detailed by individual section below.

Assault

Senate File 534 expands the definition of assault and increases related criminal penalties. The fiscal impact of this section cannot be determined due to the lack of data. **Table 3** depicts the increase in cost for the average State cost per offense class type for one conviction of assault on a civilian employee of a law enforcement agency or fire department, as well as the cost of one conviction of other types of assault. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class C Felony	\$ 9,900	\$ 19,200
Class D Felony	7,700	13,500
Total Cost Increase	\$ 2,200	\$ 5,700
Aggravated Misdemeanor	\$ 3,700	\$ 7,800

Harassment in the First Degree

Senate File 534 expands the definition of harassment in the first degree to include new actions previously not criminalized under Iowa Code section [708.7](#). The fiscal impact of this section cannot be determined due to the lack of data. **Table 4** contains cost estimates for the average State cost per offense class type for one conviction of harassment in the first degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 4 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Aggravated Misdemeanor	\$ 3,700	\$ 7,800

Criminal Mischief in the Second Degree

Senate File 534 expands the definition of criminal mischief in the second degree to include new actions previously not criminalized under Iowa Code chapter [716](#). The fiscal impact of this section cannot be determined due to the lack of data. **Table 5** contains cost estimates for the average State cost per offense class type for one conviction of criminal mischief in the second degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 5 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Class D Felony	\$ 7,700	\$ 13,500

Riot Crimes

Senate File 534 increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. The fiscal impact of this section cannot be determined due to the lack of data. **Table 6** depicts the increase in cost for the average State

cost per offense class type for one conviction of a riot crime. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 6 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class D Felony	\$ 7,700	\$ 13,500
Aggravated Misdemeanor	3,700	7,800
Total Cost Increase	\$ 4,000	\$ 5,700

Unlawful Assembly

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. The fiscal impact of this section cannot be determined due to the lack of data. **Table 7** depicts the increase in cost for the average State cost per offense class type for one conviction of unlawful assembly. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 7 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450

Disorderly Conduct

Senate File 534 increases the penalty for certain types of disorderly conduct from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The fiscal impact of this section cannot be determined due to the lack of data. **Table 8** depicts the increase in cost for the average State cost per offense class type for one conviction of disorderly conduct. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 8 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 370	\$ 7,150
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450
Class D Felony	\$ 7,700	\$ 13,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 7,660	\$ 13,150
Class C Felony	\$ 9,900	\$ 19,200
Simple Misdemeanor	40	350
Total Cost Increase	\$ 9,860	\$ 18,850

The establishment of new crimes and changes to existing crimes and existing criminal penalties as provided by SF 534 may impact criminal fine and surcharge revenue, but the impact of these changes cannot be determined at this time.

The provision of SF 534 that allows county recorders to charge an additional \$1 fee per each recorded transaction under Iowa Code section 331.604(1) may result in an increase in fee revenue that will be utilized to implement and maintain a process for redacting the names of any law enforcement officer, State or judicial officer, or State or federal prosecutor contained in electronic documents that are accessible to the public. The extent of this increase in fee revenue cannot be determined at this time.

Table 9 provides a summary of the correctional, minority, and fiscal impacts of SF 534 by criminal offense.

Table 9 — Summary of Impacts of Criminal Offense Changes, SF 534

Criminal Offense	Correctional Impact	Minority Impact	Fiscal Impact
Assault	Yes - Est. \$706,000	Yes, if trends continue	Unable to determine but likely
Harassment (1st degree)	Unable to determine	Yes, if trends continue	Unable to determine but likely
Criminal Mischief (2nd degree)	Unable to determine	Yes, if trends continue	Unable to determine but likely
Riot Crimes	Yes - Est. \$40,500	Yes, if trends continue	Unable to determine but likely
Unlawful Assembly	Minimal	Yes, if trends continue	Unable to determine but likely
Disorderly Conduct	Unable to determine but likely	Yes, if trends continue	Unable to determine but likely

Sources

Department of Corrections
 Division of Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Iowa State Association of Counties
 LSA analysis

/s/ Holly M. Lyons

March 10, 2021

Doc ID 1216392

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[SF 540](#) – Cosmetology and Barbering Licensure (LSB1840SV)
Staff Contact: Christopher Ubben (515.725.0134) chris.ubben@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 540](#) merges the Boards of Cosmetology Arts and Sciences and the Board of Barbering into the Board of Barbering and Cosmetology Arts and Sciences (the Board). It does so by repealing Iowa Code chapter [158](#), which governs barbering, and makes conforming changes elsewhere in the Iowa Code. The powers and responsibilities of both boards remain unchanged by the merger, and administrative rules are to remain in effect until the Board amends, rescinds, or supplements the rules, or the rules expire.

This Bill also changes the definition of “cosmetology” by removing arranging, braiding, and dressing of hair and adding hairstyling. The Bill adds nail technology and barbering to the practices encompassed within the definition of “cosmetology.” “Manicuring and pedicuring” are also removed from the definition of “cosmetology arts and sciences,” and the definition of “salon” is changed to include a readily movable establishment. The Bill provides a definition of hairstyling and adds “hairstyling” to the list of cosmetology arts and sciences disciplines.

The Bill directs the Board to adopt rules for the licensure of persons who practice barbering and hairstyling. Under current law, both cosmetologists and barbers can provide services that include hairstyling, and while this remains unchanged by the Bill, the Bill does direct the Board to create a new license permitting barbering and hairstyling licensees to provide only barbering and hairstyling.

Background

The Iowa Department of Public Health has contracted with the company LaunchIT for the past six years to provide software support for the AMANDA professional licensing system software.

As of July 1, 2020, the Board of Barbering reports 1,548 active licensees. The Board is currently allocated 0.15 full-time equivalent (FTE) position for the Board Executive and 0.2 FTE position for the licensure clerk.

As of July 1, 2020, the Board of Cosmetology Arts and Sciences reports 24,865 active licensees. The Board is currently allocated 0.45 FTE position for the Board Executive and 1.2 FTE positions for the licensure clerks.

Assumptions

In order to implement the licensing changes within the Bill, the AMANDA software would need to undergo several updates, including:

- Merging the 2,100-hour barbering and 2,100-hour cosmetologist licensing databases.
- Creating a 1,500-hour hairstylist licensing database.
- Creating a 1,500-hour barber and hairstylist database.

- Creating a straight razor shaving certificate for existing 2,100-hour cosmetologists who had not previously received training for straight razor shaving.
- Reconfiguring barbershops to be classified as salons in order to renew licensing.

The Department estimates that the ongoing work of adding new license types, providing oversight to updating the rules of the existing boards to meet the needs of the merged board, and ongoing customer services needs of the merged board would require an additional FTE position. The Department anticipates that the Board Executive for the merged board would increase to a full 1.0 FTE position, and the licensure clerk duties would require 2.0 FTE positions.

Fiscal Impact

To implement SF 540, the AMANDA licensing system software would require updates at a cost of approximately \$150,000. This cost would be a one-time update and would not be recurring. This cost includes the following:

- \$41,000 to merge the 2,100-hour barbering and 2,100-hour cosmetologist licensing databases.
- \$82,000 to create the 1,500-hour hairstylist licensing database.
- \$13,000 to create the 1,500-hour barber and hairstylist database.
- \$3,000 to create a straight razor shaving certificate.
- \$10,000 to reconfigure licensed barbershops as licensed salons.

Additionally, there would be a recurring annual cost of \$81,000 for the additional FTE position requirements for the Board Executive and licensure clerks.

Source

Iowa Department of Public Health

/s/ Holly M. Lyons

March 10, 2021

Doc ID 1216657

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[SF 568](#) – Election Omnibus (LSB1717SV)

Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov

Fiscal Note Version – New

Description

[Senate File 568](#) relates to the conduct of elections, including various changes regarding nominations, proposed amendments to the Iowa Constitution, public measures, holding multiple elective offices, voter registration, ballots, voter identification, reporting election results, election audits, presidential elector per-diem, and county seals. Sections 23 and 36 of the Bill have been identified as having potential fiscal impacts.

Section 23: Requires the county commissioners to mail notifications to all registered voters eligible to vote on a public measure no later than 20 days before the election for public measures regarding the approval of the issuance of a bond.

Background

Iowa Code section [39.2](#) governs special elections on public measures and sets the following dates on which a public measure election may be held throughout the year:

- First Tuesday after the first Monday in March.
- Second Tuesday in September.
- Day of the regular city/school election on the first Tuesday after the first Monday of an odd-numbered year.

The Iowa Association of School Boards (ISAB) reported that between FY 2016 and FY 2020, there were 145 bond-approval elections for school districts across the State.

Assumptions

- The cost per county will depend on whether the public measure is at the county-level, city-level, or school-district level, and the number of registered voters eligible to vote.
- The cost per county per fiscal year will depend on the number of bond-approval public measures held each fiscal year.
- The cost per county may depend on the method of mailing (letter or postcard) and whether the mailings are done in-house or outsourced.
- For estimation purposes, it is assumed that counties will outsource the mailings to a local print shop.
- For estimation purposes, the calculations are based on an estimate provided to a medium-sized county from a local print shop for a letter mailing. These estimates include the cost of the letter, envelope, labor, and postage.
- For estimation purposes, the calculations assume that the price per mailing for the first 1,000 letters would be \$0.69; for the next 22,000 letters, \$0.52; and for every additional letter above 23,000, \$.051.

Fiscal Impact

The effect on county expenditures depends on the number of registered voters within a municipality affected by an election for a public measure to approve the issuance of a bond.

Table 1 includes examples of potential costs per election based on the number of registered voters:

Table 1: Estimated Cost for Mailings per Election Based on Registered Voters

Number of Registered Voters	Estimated Cost per Mailing	Estimated Cost per Election
1,000	\$ 0.69	\$ 690
10,000	0.52	5,200
25,000	0.51	12,750
50,000	0.51	25,500
100,000	0.51	51,000
300,000	0.51	153,000

The Bill allows the costs of notifications to be charged to the entity requesting the public measure.

Section 36: Requires the Secretary of State (SOS) Office to order an audit of all elections. Post-election audits are currently required following each general election.

Assumptions

- For estimation purposes, counties may hire between six to eight individuals to conduct the audit at approximately \$11 per hour.
- For estimation purposes, post-election audits may take approximately 1.5 hours to complete.

Fiscal Impact

Senate File 568 is estimated to cost counties between \$100 and \$200 per post-election audit. Costs will vary based on the number and size of special elections conducted in a given year.

Sources

Office of the Secretary of State
Iowa State Association of Counties
Iowa Association of School Boards
LSA Calculations

/s/ Holly M. Lyons

March 10, 2021

Doc ID 1216215

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
