

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

April 19, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 342	S-3158	Filed	RECEIVED FROM THE HOUSE
HF 416	S-3156	Filed	COMMITTEE ON JUDICIARY, et al
HF 780	S-3157	Filed	COMMITTEE ON HUMAN RESOURCES, et al

Fiscal Notes

[HF 785](#) — [Amusement Concessions](#) (LSB2171HV.1)

HOUSE AMENDMENT TO
SENATE FILE 342

S-3158

1 Amend Senate File 342, as passed by the Senate, as follows:

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

4 <DIVISION I

5 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

6 Section 1. Section 9E.1, Code 2021, is amended to read as
7 follows:

8 **9E.1 Purpose.**

9 The general assembly finds that individuals attempting to
10 escape from actual or threatened domestic abuse, domestic
11 abuse assault, sexual abuse, assault, stalking, or human
12 trafficking frequently establish new addresses in order to
13 prevent their assailants or probable assailants from finding
14 them. The purpose of this chapter is to enable state and local
15 agencies to respond to requests for data without disclosing
16 the location of a victim of domestic abuse, domestic abuse
17 assault, sexual abuse, assault, stalking, or human trafficking;
18 to enable interagency cooperation with the secretary of state
19 in providing address confidentiality for victims of domestic
20 abuse, domestic abuse assault, sexual abuse, assault, stalking,
21 or human trafficking; and to enable program participants to use
22 an address designated by the secretary of state as a substitute
23 mailing address for the purposes specified in this chapter.
24 In addition, the purpose of this chapter is to prevent such
25 victims from being physically located through a public records
26 search.

27 Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021,
28 is amended to read as follows:

29 a. *"Eligible person"* means a person who is ~~all~~ a resident of
30 this state, an adult, a minor, or an incapacitated person as
31 defined in section 633.701, and is one of the following:

32 (1) ~~A resident of this state.~~

33 (2) ~~An adult, a minor, or an incapacitated person as defined~~
34 ~~in section 633.701.~~

35 (3) A victim of domestic abuse, domestic abuse assault,

1 sexual abuse, assault, stalking, or human trafficking as
2 evidenced by the filing of a petition pursuant to section 236.3
3 or a criminal complaint or information pursuant to section
4 708.1, 708.2A, 708.11, or 710A.2, or any violation contained
5 in chapter 709.

6 (2) A currently active or retired state or local judicial
7 officer, as defined in section 4.1, a federal judge, or a
8 spouse or child of such a person.

9 (3) A currently active or retired state or local prosecuting
10 attorney, as defined in section 801.4, or a spouse or child of
11 such a person.

12 (4) A currently active or retired peace officer, as defined
13 in section 801.4, civilian employee of a law enforcement
14 agency, or a spouse or child of such a person.

15 Sec. 3. Section 9E.3, subsection 1, paragraph b,
16 subparagraph (1), subparagraph division (a), Code 2021, is
17 amended to read as follows:

18 (a) The eligible person listed on the application is a
19 victim of domestic abuse, domestic abuse assault, sexual abuse,
20 assault, stalking, or human trafficking.

21 Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021,
22 is amended to read as follows:

23 e. The residential address of the eligible person,
24 disclosure of which could lead to an increased risk of domestic
25 abuse, domestic abuse assault, sexual abuse, assault, stalking,
26 or human trafficking.

27 Sec. 5. Section 9E.7, Code 2021, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 4A. Upon request by a program participant,
30 the assessor or the assessor's staff shall redact the
31 requestor's name contained in electronic documents that
32 are displayed for public access through an internet site.
33 The assessor shall implement and maintain a process to
34 facilitate these requests. A fee shall not be charged for the
35 administration of this paragraph.

1 Sec. 6. Section 22.10, subsection 3, paragraph b,
2 subparagraph (2), Code 2021, is amended to read as follows:

3 (2) Had good reason to believe and in good faith believed
4 facts which, if true, would have indicated compliance with the
5 requirements of this chapter. It shall constitute such good
6 reason and good faith belief and a court shall not assess any
7 damages, costs, or fees under this subsection if the person
8 incorrectly balanced the right of the public to receive public
9 records against the rights and obligations of the government
10 body to maintain confidential records as provided in section
11 22.7 under any judicially created balancing test, unless the
12 person is unable to articulate any reasonable basis for such
13 balancing.

14 Sec. 7. Section 331.604, subsection 3, Code 2021, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *f.* (1) Upon request by a peace officer,
17 as defined in section 801.4, civilian employee of a law
18 enforcement agency, or state or federal judicial officer
19 or state or federal prosecutor, the county assessor or the
20 county assessor's staff, or the county recorder or the county
21 recorder's staff, shall redact the requestor's name contained
22 in electronic documents that are displayed for public access
23 through an internet site.

24 (2) Upon request by a former peace officer, as defined
25 in section 801.4, or a former civilian employee of a law
26 enforcement agency, the county assessor or the county
27 assessor's staff, or the county recorder or the county
28 recorder's staff, may redact, upon the presentation of evidence
29 that a compelling safety interest is served by doing so, the
30 requestor's name contained in electronic documents that are
31 displayed for public access through an internet site.

32 (3) This paragraph does not apply to a requestor holding or
33 seeking public office.

34 (4) The county assessor and the county recorder shall
35 implement and maintain a process to facilitate requests

1 pursuant to this paragraph.

2 (5) A fee shall not be charged for the administration of
3 this paragraph.

4 DIVISION II

5 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

6 Sec. 8. Section 554.9510, subsection 1, Code 2021, is
7 amended to read as follows:

8 1. *Filed record effective if authorized.* A filed record
9 is effective only to the extent that it was filed by a person
10 that may file it under section 554.9509 or by the filing office
11 under section 554.9513A.

12 Sec. 9. NEW SECTION. **554.9513A Termination of wrongfully**
13 **filed financing statement — reinstatement.**

14 1. *Trusted filer.* “*Trusted filer*” means a person that does
15 any of the following:

16 a. Regularly causes records to be communicated to the
17 filing office for filing and has provided the filing office
18 with current contact information and information sufficient to
19 establish the person’s identity.

20 b. Satisfies either of the following conditions:

21 (1) The filing office has issued the person credentials for
22 access to online filing services.

23 (2) The person has established a prepaid or direct debit
24 account for payment of filing fees, regardless of whether the
25 account is used in a particular transaction.

26 2. *Affidavit of wrongful filing.* A person identified as
27 debtor in a filed financing statement may deliver to the
28 filing office a notarized, sworn affidavit that identifies the
29 financing statement by file number, indicates the affiant’s
30 mailing address, and states that the affiant believes that
31 the filed record identifying the affiant as debtor was not
32 authorized to be filed and was caused to be communicated to the
33 filing office with the intent to harass or defraud the affiant.
34 The filing office may reject an affidavit that is incomplete or
35 that it believes was delivered to it with the intent to harass

1 or defraud the secured party. The office of the secretary
2 of state shall adopt a form of affidavit for use under this
3 section.

4 3. *Termination statement by filing office.* Subject to
5 subsection 11, if an affidavit is delivered to the filing
6 office under subsection 2, the filing office shall promptly
7 file a termination statement with respect to the financing
8 statement identified in the affidavit. The termination
9 statement must identify by its file number the initial
10 financing statement to which it relates and must indicate that
11 it was filed pursuant to this section. A termination statement
12 filed under this subsection is not effective until ninety days
13 after it is filed.

14 4. *No fee charged or refunded.* The filing office shall not
15 charge a fee for the filing of an affidavit under subsection
16 2 or a termination statement under subsection 3. The filing
17 office shall not return any fee paid for filing the financing
18 statement identified in the affidavit, whether or not the
19 financing statement is reinstated under subsection 7.

20 5. *Notice of termination statement.* On the same day that a
21 filing office files a termination statement under subsection
22 3, the filing office shall send to the secured party of record
23 for the financing statement to which the termination statement
24 relates a notice stating that the termination statement
25 has been filed and will become effective ninety days after
26 filing. The notice shall be sent by certified mail, return
27 receipt requested, to the address provided for the secured
28 party of record in the financing statement with a copy sent by
29 electronic mail to the electronic mail address provided by the
30 secured party of record, if any.

31 6. *Administrative review — action for reinstatement.* A
32 secured party that believes in good faith that the filed record
33 identified in an affidavit delivered to the filing office under
34 subsection 2 was authorized to be filed and was not caused to
35 be communicated to the filing office with the intent to harass

1 or defraud the affiant may:

2 *a.* Before the termination statement takes effect, request
3 that the filing office conduct an expedited review of the
4 filed record and any documentation provided by the secured
5 party. The filing office may as a result of this review remove
6 from the record the termination statement filed by it under
7 subsection 3 before the termination statement takes effect and
8 conduct an administrative review under subsection 11.

9 *b.* File an action against the filing office seeking
10 reinstatement of the financing statement to which the filed
11 record relates at any time before the expiration of six months
12 after the date on which the termination statement filed under
13 subsection 3 becomes effective. If the affiant is not named as
14 a defendant in the action, the secured party shall send a copy
15 of the petition to the affiant at the address indicated in the
16 affidavit. The exclusive venue for the action shall be in the
17 district court for the county where the filing office in which
18 the financing statement was filed is located. The action shall
19 be considered by the court on an expedited basis.

20 7. *Filing office to file notice of action for*
21 *reinstatement.* Within ten days after being served with process
22 in an action under subsection 6, the filing office shall file
23 a notice indicating that the action has been commenced. The
24 notice must indicate the file number of the initial financing
25 statement to which the notice relates.

26 8. *Action for reinstatement successful.* If, in an action
27 under subsection 6, the court determines that the financing
28 statement was authorized to be filed and was not caused to be
29 communicated to the filing office with the intent to harass or
30 defraud the affiant, the court shall order that the financing
31 statement be reinstated. If an order of reinstatement is
32 issued by the court, the filing office shall promptly file a
33 record that identifies by its file number the initial financing
34 statement to which the record relates and indicates that the
35 financing statement has been reinstated.

1 9. *Effect of reinstatement.* Upon the filing of a record
2 reinstating a financing statement under subsection 8, the
3 effectiveness of the financing statement is reinstated and the
4 financing statement shall be considered never to have been
5 terminated under this section except as against a purchaser of
6 the collateral that gives value in reasonable reliance upon
7 the termination. A continuation statement filed as provided
8 in section 554.9515, subsection 4, after the effective date of
9 a termination statement filed under subsection 3 or 11 becomes
10 effective if the financing statement is reinstated.

11 10. *Liability for wrongful filing.* If, in an action under
12 subsection 6, the court determines that the filed record
13 identified in an affidavit delivered to the filing office under
14 subsection 2 was caused to be communicated to the filing office
15 with the intent to harass or defraud the affiant, the filing
16 office and the affiant may recover from the secured party that
17 filed the action the costs and expenses, including reasonable
18 attorney fees and the reasonable allocated costs of internal
19 counsel, that the filing office and the affiant incurred in the
20 action. This recovery is in addition to any recovery to which
21 the affiant is entitled under section 554.9625.

22 11. *Procedure for record filed by trusted filer.* If an
23 affidavit delivered to a filing office under subsection 2
24 relates to a filed record communicated to the filing office by
25 a trusted filer, the filing office shall promptly send to the
26 secured party of record a notice stating that the affidavit has
27 been delivered to the filing office and that the filing office
28 is conducting an administrative review to determine whether the
29 record was caused to be communicated with the intent to harass
30 or defraud the affiant. The notice shall be sent by certified
31 mail, return receipt requested, to the address provided for
32 the secured party in the financing statement with a copy sent
33 by electronic mail to the electronic mail address provided
34 by the secured party of record, if any, and a copy shall be
35 sent in the same manner to the affiant. The administrative

1 review shall be conducted on an expedited basis and the filing
2 office may require the affiant and the secured party of record
3 to provide any additional information that the filing office
4 deems appropriate. If the filing office concludes that the
5 record was caused to be communicated with the intent to harass
6 or defraud the affiant, the filing office shall promptly file a
7 termination statement under subsection 2 that will be effective
8 immediately and send to the secured party of record the notice
9 required by subsection 5. The secured party may thereafter
10 file an action for reinstatement under subsection 6 and the
11 provisions of subsections 7 through 10 are applicable.

12 Sec. 10. NEW SECTION. 714.29 Records filed with intent to
13 harass or defraud.

14 1. A person shall not cause to be communicated to the filing
15 office as defined in section 554.9102 for filing a record if
16 all of the following are true:

17 a. The person is not authorized to file the record under
18 section 554.9509.

19 b. The record is not related to an existing or anticipated
20 transaction that is or will be governed by chapter 554, article
21 9.

22 c. The record is filed with the intent to harass or defraud
23 the person identified as debtor in the record.

24 2. A person that violates subsection 1 is guilty of a simple
25 misdemeanor for a first offense and a serious misdemeanor for a
26 second or subsequent offense.

27 DIVISION III

28 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

29 Sec. 11. NEW SECTION. 70A.23A Credit for accrued sick leave
30 — retired public safety employees.

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

1 public safety employee for the purpose of paying the public
2 safety employee's cost of the monthly premiums for continuance
3 of the public safety employee's health insurance plan. Upon
4 the death of a retired public safety employee, the surviving
5 spouse or dependents shall be entitled to the value of the
6 accumulated unused sick leave for the purpose of paying the
7 cost of monthly premiums for continuation of a public safety
8 employee's health insurance policy for the public safety
9 employee's surviving spouse or dependents. This section
10 shall not apply to a public safety employee covered under a
11 collective bargaining agreement which provides for an employer
12 paid retirement health savings plan.

13 DIVISION IV

14 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

15 Sec. 12. Section 97A.6, subsection 11, Code 2021, is amended
16 to read as follows:

17 11. *Pensions offset by compensation benefits.*

18 a. Any amounts which may be paid or payable by the state
19 under the provisions of any workers' compensation or similar
20 law to a member or to the dependents of a member on account of
21 any disability or death, shall be offset against and payable
22 in lieu of any benefits payable out of the retirement fund
23 provided by the state under the provisions of this chapter on
24 account of the same disability or death. In case the present
25 value of the total commuted benefits under said workers'
26 compensation or similar law is less than the present value
27 of the benefits otherwise payable from the retirement fund
28 provided by the state under this chapter, then the present
29 value of the commuted payments shall be deducted from the
30 pension payable and such benefits as may be provided by the
31 system so reduced shall be payable under the provisions of this
32 chapter.

33 b. Notwithstanding paragraph "a", any workers' compensation
34 benefits received by a member for past medical expenses or
35 future medical expenses shall not be offset against and not

1 considered payable in lieu of any retirement allowance payable
2 pursuant to this section on account of the same disability.

3 c. Notwithstanding paragraph "a", any workers' compensation
4 benefits received by a member for reimbursement of vacation
5 time used, sick time used, or for any unpaid time off from work
6 shall not be offset against and not considered payable in lieu
7 of any retirement allowance payable pursuant to this section on
8 account of the same disability.

9 Sec. 13. Section 97B.50A, subsection 5, Code 2021, is
10 amended to read as follows:

11 5. *Offset to allowance.*

12 a. Notwithstanding any provisions to the contrary in state
13 law, or any applicable contract or policy, any amounts which
14 may be paid or payable by the employer under any workers'
15 compensation, unemployment compensation, employer-paid
16 disability plan, program, or policy, or other law to a member,
17 and any disability payments the member receives pursuant to
18 the federal Social Security Act, 42 U.S.C. §423 et seq.,
19 shall be offset against and payable in lieu of any retirement
20 allowance payable pursuant to this section on account of the
21 same disability.

22 b. Notwithstanding paragraph "a", any workers' compensation
23 benefits received by a member for past medical expenses or
24 future medical expenses shall not be offset against and not
25 considered payable in lieu of any retirement allowance payable
26 pursuant to this section on account of the same disability.

27 c. Notwithstanding paragraph "a", any workers' compensation
28 benefits received by a member for reimbursement of vacation
29 time used, sick time used, or for any unpaid time off from work
30 shall not be offset against and not considered payable in lieu
31 of any retirement allowance payable pursuant to this section on
32 account of the same disability.

33 DIVISION V

34 CIVIL SERVICE COMMISSION EXAMINATIONS

35 Sec. 14. Section 400.8, subsection 2, Code 2021, is amended

1 to read as follows:

2 2. The commission shall establish the guidelines for
3 conducting the examinations under subsection 1 of this section.
4 ~~It may prepare and administer the examinations or may~~ The
5 commission shall hire persons with expertise to do so if the
6 commission approves the examinations prepare and administer
7 the examinations approved by the commission. It may also
8 hire persons with expertise to consult in the preparation of
9 such examinations if the persons so hired are employed to aid
10 personnel of the commission in assuring that a fair examination
11 is conducted. A fair examination shall explore the competence
12 of the applicant in the particular field of examination.

13 Sec. 15. Section 400.9, subsection 2, Code 2021, is amended
14 to read as follows:

15 2. The commission shall establish guidelines for conducting
16 the examinations under subsection 1. ~~It may prepare and~~
17 ~~administer the examinations or may~~ The commission shall hire
18 persons with expertise ~~to do so if the commission approves~~
19 ~~the examinations and if the examinations apply to~~ prepare and
20 administer the examinations approved by the commission for
21 the position in the city for which the applicant is taking
22 the examination. It may also hire persons with expertise to
23 consult in the preparation of such examinations if the persons
24 so hired are employed to aid personnel of the commission
25 in assuring that a fair examination is conducted. A fair
26 examination shall explore the competence of the applicant in
27 the particular field of examination. The names of persons
28 approved to administer any examination under this section shall
29 be posted in the city hall at least twenty-four hours prior to
30 the examination.

31 DIVISION VI

32 LAW ENFORCEMENT — ELUDING LAW ENFORCEMENT — CARRYING FIREARMS

33 Sec. 16. Section 321.279, Code 2021, is amended to read as
34 follows:

35 **321.279 Eluding or attempting to elude pursuing law**

1 **enforcement vehicle.**

2 1. *a.* The driver of a motor vehicle commits a serious
3 misdemeanor if the driver willfully fails to bring the motor
4 vehicle to a stop or otherwise eludes or attempts to elude a
5 marked or unmarked official law enforcement vehicle driven by a
6 ~~uniformed~~ peace officer after being given a visual and audible
7 signal to stop. The signal given by the peace officer shall
8 be by flashing red light, or by flashing red and blue lights,
9 and siren. For purposes of this section, "*peace officer*" means
10 those officers designated under section 801.4, subsection 11,
11 paragraphs "*a*", "*b*", "*c*", "*f*", "*g*", and "*h*".

12 *b.* The driver of a motor vehicle who commits a second or
13 subsequent violation under this subsection is, upon conviction,
14 guilty of an aggravated misdemeanor.

15 2. *a.* The driver of a motor vehicle commits an aggravated
16 misdemeanor if the driver willfully fails to bring the motor
17 vehicle to a stop or otherwise eludes or attempts to elude a
18 marked or unmarked official law enforcement vehicle that is
19 driven by a ~~uniformed~~ peace officer after being given a visual
20 and audible signal as provided in this section and in doing so
21 exceeds the speed limit by twenty-five miles per hour or more.

22 *b.* The driver of a motor vehicle who commits a violation
23 under this subsection and who has previously committed a
24 violation under this subsection or subsection 3 is, upon
25 conviction, guilty of a class "D" felony.

26 3. *a.* The driver of a motor vehicle commits a class "D"
27 felony if the driver willfully fails to bring the motor vehicle
28 to a stop or otherwise eludes or attempts to elude a marked or
29 unmarked official law enforcement vehicle that is driven by a
30 ~~uniformed~~ peace officer after being given a visual and audible
31 signal as provided in this section, and in doing so exceeds the
32 speed limit by twenty-five miles per hour or more, and if any
33 of the following occurs:

34 (1) The driver is participating in a public offense, as
35 defined in section 702.13, that is a felony.

1 (2) The driver is in violation of section 321J.2.

2 (3) The driver is in violation of section 124.401.

3 (4) The offense results in bodily injury to a person other
4 than the driver.

5 *b.* The driver of a motor vehicle who commits a second or
6 subsequent violation under this subsection is, upon conviction,
7 guilty of a class "C" felony.

8 Sec. 17. NEW SECTION. 724.4D Authority to carry firearm
9 — peace officers.

10 A peace officer shall not be prohibited from carrying a
11 firearm while engaged in the performance of official duties.

12 Sec. 18. EFFECTIVE DATE. This division of this Act, being
13 deemed of immediate importance, takes effect upon enactment.

14 DIVISION VII

15 ASSAULTS INVOLVING LASERS

16 Sec. 19. Section 708.1, subsection 2, Code 2021, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *d.* (1) Intentionally points a laser
19 emitting a visible light beam at another person with the intent
20 to cause pain or injury to another. For purposes of this
21 paragraph, "laser" means a device that emits a visible light
22 beam amplified by the stimulated emission of radiation and any
23 light which simulates the appearance of a laser.

24 (2) This paragraph does not apply to any of the following:

25 (a) A law enforcement officer who uses a laser in
26 discharging or attempting to discharge the officer's official
27 duties.

28 (b) A health care professional who uses a laser in providing
29 services within the scope of practice of that professional or
30 any other person who is licensed or authorized by law to use a
31 laser or who uses a laser in the performance of the person's
32 official duties.

33 (c) A person who uses a laser to play laser tag, paintball,
34 and other similar games using light-emitting diode technology.

35 Sec. 20. EFFECTIVE DATE. This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2

DIVISION VIII

3

ASSAULT — HARASSMENT — CRIMINAL MISCHIEF — DISORDERLY

4

CONDUCT

5

Sec. 21. Section 321.366, subsection 1, Code 2021, is

6

amended by adding the following new paragraph:

7

NEW PARAGRAPH. *g.* Operate a bicycle, skateboard, or other

8

pedestrian conveyance or be a pedestrian anywhere on a fully

9

controlled-access facility. For purposes of this paragraph,

10

"pedestrian conveyance" means any human-powered device by which

11

a pedestrian may move other than by walking or by which a

12

walking person may move another pedestrian, including but not

13

limited to strollers and wheelchairs.

14

Sec. 22. Section 708.3A, subsections 1, 2, 3, and 4, Code

15

2021, are amended to read as follows:

16

1. A person who commits an assault, as defined in section

17

708.1, against a peace officer, jailer, correctional staff,

18

member or employee of the board of parole, health care

19

provider, employee of the department of human services,

20

employee of the department of revenue, civilian employee of a

21

law enforcement agency, civilian employee of a fire department,

22

or fire fighter, whether paid or volunteer, with the knowledge

23

that the person against whom the assault is committed is a

24

peace officer, jailer, correctional staff, member or employee

25

of the board of parole, health care provider, employee of

26

the department of human services, employee of the department

27

of revenue, civilian employee of a law enforcement agency,

28

civilian employee of a fire department, or fire fighter and

29

with the intent to inflict a serious injury upon the peace

30

officer, jailer, correctional staff, member or employee of

31

the board of parole, health care provider, employee of the

32

department of human services, employee of the department

33

of revenue, civilian employee of a law enforcement agency,

34

civilian employee of a fire department, or fire fighter, is

35

guilty of a class "D" felony.

1 2. A person who commits an assault, as defined in section
2 708.1, against a peace officer, jailer, correctional staff,
3 member or employee of the board of parole, health care
4 provider, employee of the department of human services,
5 employee of the department of revenue, civilian employee of a
6 law enforcement agency, civilian employee of a fire department,
7 or fire fighter, whether paid or volunteer, who knows that
8 the person against whom the assault is committed is a peace
9 officer, jailer, correctional staff, member or employee of
10 the board of parole, health care provider, employee of the
11 department of human services, employee of the department
12 of revenue, civilian employee of a law enforcement agency,
13 civilian employee of a fire department, or fire fighter and
14 who uses or displays a dangerous weapon in connection with the
15 assault, is guilty of a class "D" felony.

16 3. A person who commits an assault, as defined in section
17 708.1, against a peace officer, jailer, correctional staff,
18 member or employee of the board of parole, health care
19 provider, employee of the department of human services,
20 employee of the department of revenue, civilian employee of a
21 law enforcement agency, civilian employee of a fire department,
22 or fire fighter, whether paid or volunteer, who knows that
23 the person against whom the assault is committed is a peace
24 officer, jailer, correctional staff, member or employee of
25 the board of parole, health care provider, employee of the
26 department of human services, employee of the department
27 of revenue, civilian employee of a law enforcement agency,
28 civilian employee of a fire department, or fire fighter, and
29 who causes bodily injury or mental illness, is guilty of an
30 aggravated misdemeanor.

31 4. Any other assault, as defined in section 708.1, committed
32 against a peace officer, jailer, correctional staff, member
33 or employee of the board of parole, health care provider,
34 employee of the department of human services, employee of the
35 department of revenue, civilian employee of a law enforcement

1 agency, civilian employee of a fire department, or fire
2 fighter, whether paid or volunteer, by a person who knows
3 that the person against whom the assault is committed is a
4 peace officer, jailer, correctional staff, member or employee
5 of the board of parole, health care provider, employee of
6 the department of human services, employee of the department
7 of revenue, civilian employee of a law enforcement agency,
8 civilian employee of a fire department, or fire fighter, is a
9 serious misdemeanor.

10 Sec. 23. Section 708.7, subsection 2, paragraph a, Code
11 2021, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (4) Harassment that occurs against
13 another person who is lawfully in a place of public
14 accommodation as defined in section 216.2.

15 Sec. 24. Section 716.4, subsection 1, Code 2021, is amended
16 to read as follows:

17 1. Criminal mischief is criminal mischief in the second
18 degree if ~~the~~ any of the following apply:

19 a. The cost of replacing, repairing, or restoring the
20 property that is damaged, defaced, altered, or destroyed
21 exceeds one thousand five hundred dollars but does not exceed
22 ten thousand dollars.

23 b. The acts damaged, defaced, altered, or destroyed any
24 publicly owned property, including a monument or statue. In
25 addition to any sentence imposed for a violation of this
26 paragraph, the court shall include an order of restitution
27 for any property damage or loss incurred as a result of the
28 offense.

29 Sec. 25. Section 723.4, Code 2021, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **723.4 Disorderly conduct.**

32 1. A person commits a simple misdemeanor when the person
33 does any of the following:

34 a. Engages in fighting or violent behavior in any public
35 place or in or near any lawful assembly of persons, provided,

1 that participants in athletic contests may engage in such
2 conduct which is reasonably related to that sport.

3 *b.* Makes loud and raucous noise in the vicinity of any
4 residence or public building which intentionally or recklessly
5 causes unreasonable distress to the occupants thereof.

6 *c.* Directs abusive epithets or makes any threatening gesture
7 which the person knows or reasonably should know is likely to
8 provoke a violent reaction by another.

9 *d.* Without lawful authority or color of authority, the
10 person disturbs any lawful assembly or meeting of persons by
11 conduct intended to disrupt the meeting or assembly.

12 *e.* By words or action, initiates or circulates a report or
13 warning of fire, epidemic, or other catastrophe, knowing such
14 report to be false or such warning to be baseless.

15 *f.* (1) Knowingly and publicly uses the flag of the United
16 States in such a manner as to show disrespect for the flag as
17 a symbol of the United States, with the intent or reasonable
18 expectation that such use will provoke or encourage another to
19 commit trespass or assault.

20 (2) As used in this paragraph:

21 (a) "*Deface*" means to intentionally mar the external
22 appearance.

23 (b) "*Defile*" means to intentionally make physically unclean.

24 (c) "*Flag*" means a piece of woven cloth or other material
25 designed to be flown from a pole or mast.

26 (d) "*Mutilate*" means to intentionally cut up or alter so as
27 to make imperfect.

28 (e) "*Show disrespect*" means to deface, defile, mutilate, or
29 trample.

30 (f) "*Trample*" means to intentionally tread upon or
31 intentionally cause a machine, vehicle, or animal to tread
32 upon.

33 (3) This paragraph does not apply to a flag retirement
34 ceremony conducted pursuant to federal law.

35 2. A person commits a serious misdemeanor when the person,

1 without lawful authority or color of authority, obstructs any
2 street, sidewalk, highway, or other public way, with the intent
3 to prevent or hinder its lawful use by others.

4 3. A person commits an aggravated misdemeanor when the
5 person commits disorderly conduct as described in subsection 2
6 and does any of the following:

7 a. Obstructs or attempts to obstruct a fully
8 controlled-access facility on a highway, street, or road in
9 which the speed restriction is controlled by section 321.285,
10 subsection 3, or section 321.285, subsection 5.

11 b. Commits property damage.

12 c. Is present during an unlawful assembly as defined in
13 section 723.2.

14 4. A person commits a class "D" felony when the person
15 commits disorderly conduct as described in subsection 2 and
16 does any of the following:

17 a. Is present during a riot as defined in section 723.1.

18 b. Causes bodily injury.

19 5. A person commits a class "C" felony when the person
20 commits disorderly conduct as described in subsection 2 and the
21 person causes serious bodily injury or death.

22 Sec. 26. EFFECTIVE DATE. This division of this Act, being
23 deemed of immediate importance, takes effect upon enactment.

24 DIVISION IX

25 ENFORCEMENT OF LAWS

26 Sec. 27. NEW SECTION. 27B.1 Definitions.

27 1. "*Local entity*" means the governing body of a city or
28 county. "*Local entity*" includes an officer or employee of a
29 local entity or a division, department, or other body that is
30 part of a local entity, including but not limited to a sheriff,
31 police department, city attorney, or county attorney.

32 2. "*Policy*" includes a rule, procedure, regulation, order,
33 ordinance, motion, resolution, or amendment, whether formal and
34 written or informal and unwritten.

35 Sec. 28. NEW SECTION. 27B.2 Restriction on enforcement of

1 **state, local, and municipal law prohibited.**

2 A local entity or law enforcement department shall not
3 adopt or enforce a policy or take any other action under which
4 the local entity or law enforcement department prohibits or
5 discourages the enforcement of state, local, or municipal laws.

6 Sec. 29. NEW SECTION. **27B.3 Discrimination prohibited.**

7 A local entity or a person employed by or otherwise under the
8 direction or control of a local entity shall not consider race,
9 skin color, language spoken, or national origin while enforcing
10 state, local, and municipal laws except to the extent permitted
11 by the Constitution of the United States or the Constitution of
12 the State of Iowa.

13 Sec. 30. NEW SECTION. **27B.4 Complaints — notification —**
14 **civil action.**

15 1. Any person may file a complaint with the attorney general
16 alleging that a local entity has violated or is violating
17 this chapter if the person offers evidence to support such an
18 allegation. The person shall include with the complaint any
19 evidence the person has in support of the complaint.

20 2. A local entity for which the attorney general has
21 received a complaint pursuant to this section shall comply
22 with any document requests, including a request for supporting
23 documents, from the attorney general relating to the complaint.

24 3. A complaint filed pursuant to subsection 1 shall not be
25 valid unless the attorney general determines that a violation
26 of this chapter by a local entity was intentional.

27 4. If the attorney general determines that a complaint filed
28 pursuant to this section against a local entity is valid, the
29 attorney general, not later than ten days after the date of
30 such a determination, shall provide written notification to the
31 local entity by certified mail, with return receipt requested,
32 stating all of the following:

33 a. A complaint pursuant to this section has been filed and
34 the grounds for the complaint.

35 b. The attorney general has determined that the complaint is

1 valid.

2 *c.* The attorney general is authorized to file a civil
3 action in district court pursuant to subsection 6 to enjoin a
4 violation of this chapter no later than forty days after the
5 date on which the notification is received if the local entity
6 does not come into compliance with the requirements of this
7 chapter.

8 *d.* The local entity and any entity that is under the
9 jurisdiction of the local entity will be denied state funds
10 pursuant to section 27B.5 for the state fiscal year following
11 the year in which a final judicial determination in a civil
12 action brought under this section is made.

13 5. No later than thirty days after the date on which a local
14 entity receives written notification under subsection 4, the
15 local entity shall provide the attorney general with all of the
16 following:

17 *a.* Copies of all of the local entity's written policies
18 relating to the complaint.

19 *b.* A description of all actions the local entity has taken
20 or will take to correct any violations of this chapter.

21 *c.* If applicable, any evidence that would refute the
22 allegations made in the complaint.

23 6. No later than forty days after the date on which the
24 notification pursuant to subsection 4 is received, the attorney
25 general shall file a civil action in district court to enjoin
26 any ongoing violation of this chapter by a local entity.

27 Sec. 31. NEW SECTION. **27B.5 Denial of state funds.**

28 1. Notwithstanding any other provision of law to the
29 contrary, a local entity, including any entity under the
30 jurisdiction of the local entity, shall be ineligible to
31 receive any state funds if the local entity intentionally
32 violates this chapter.

33 2. State funds shall be denied to a local entity pursuant
34 to subsection 1 by all state agencies for each state fiscal
35 year that begins after the date on which a final judicial

1 determination that the local entity has intentionally violated
2 this chapter is made in a civil action brought pursuant to
3 section 27B.4, subsection 6. State funds shall continue
4 to be denied until eligibility to receive state funds is
5 reinstated under section 27B.6. However, any state funds for
6 the provision of wearable body protective gear used for law
7 enforcement purposes shall not be denied under this section.

8 3. The department of management shall adopt rules pursuant
9 to chapter 17A to implement this section and section 27B.6
10 uniformly across state agencies from which state funds are
11 distributed to local entities.

12 Sec. 32. NEW SECTION. **27B.6 Reinstatement of eligibility**
13 **to receive state funds.**

14 1. Except as provided by subsection 5, no earlier than
15 ninety days after the date of a final judicial determination
16 that a local entity has intentionally violated the provisions
17 of this chapter, the local entity may petition the district
18 court that heard the civil action brought pursuant to section
19 27B.4, subsection 6, to seek a declaratory judgment that the
20 local entity is in full compliance with this chapter.

21 2. A local entity that petitions the court as described by
22 subsection 1 shall comply with any document requests, including
23 a request for supporting documents, from the attorney general
24 relating to the action.

25 3. If the court issues a declaratory judgment declaring that
26 the local entity is in full compliance with this chapter, the
27 local entity's eligibility to receive state funds is reinstated
28 beginning on the first day of the month following the date on
29 which the declaratory judgment is issued.

30 4. A local entity shall not petition the court as described
31 in subsection 1 more than twice in one twelve-month period.

32 5. A local entity may petition the court as described in
33 subsection 1 before the date provided in subsection 1 if the
34 person who was the director or other chief officer of the
35 local entity at the time of the violation of this chapter is

1 subsequently removed from or otherwise leaves office.

2 6. A party shall not be entitled to recover any attorney
3 fees in a civil action described by subsection 1.

4 Sec. 33. NEW SECTION. **27B.7 Attorney general database.**

5 The attorney general shall develop and maintain a searchable
6 database listing each local entity for which a final judicial
7 determination described in section 27B.5, subsection 2, has
8 been made. The attorney general shall post the database on the
9 attorney general's internet site.

10

DIVISION X

11

QUALIFIED IMMUNITY

12

Sec. 34. NEW SECTION. **669.14A Qualified immunity.**

13

1. Notwithstanding any other provision of law, an employee
14 of the state subject to a claim brought under this chapter
15 shall not be liable for monetary damages if any of the
16 following apply:

17

a. The right, privilege, or immunity secured by law was not
18 clearly established at the time of the alleged deprivation,
19 or at the time of the alleged deprivation the state of the
20 law was not sufficiently clear that every reasonable employee
21 would have understood that the conduct alleged constituted a
22 violation of law.

23

b. A court of competent jurisdiction has issued a final
24 decision on the merits holding, without reversal, vacatur, or
25 preemption, that the specific conduct alleged to be unlawful
26 was consistent with the law.

27

2. The state or a state agency shall not be liable for
28 any claim brought under this chapter where the employee
29 was determined to be protected by qualified immunity under
30 subsection 1.

31

3. A plaintiff who brings a claim under this chapter
32 alleging a violation of the law must state with particularity
33 the circumstances constituting the violation and that the law
34 was clearly established at the time of the alleged violation.

35

Failure to plead a plausible violation or failure to plead that

1 the law was clearly established at the time of the alleged
2 violation shall result in dismissal with prejudice.

3 4. Any decision by the district court denying qualified
4 immunity shall be immediately appealable.

5 5. This section shall apply in addition to any other
6 statutory or common law immunity.

7 Sec. 35. NEW SECTION. **669.26 Money damages — nonwaiver**
8 **of rights.**

9 This chapter shall not be construed to be a waiver of
10 sovereign immunity for a claim for money damages under the
11 Constitution of the State of Iowa.

12 Sec. 36. NEW SECTION. **670.4A Qualified immunity.**

13 1. Notwithstanding any other provision of law, an employee
14 or officer subject to a claim brought under this chapter shall
15 not be liable for monetary damages if any of the following
16 apply:

17 a. The right, privilege, or immunity secured by law was not
18 clearly established at the time of the alleged deprivation,
19 or at the time of the alleged deprivation the state of the
20 law was not sufficiently clear that every reasonable employee
21 would have understood that the conduct alleged constituted a
22 violation of law.

23 b. A court of competent jurisdiction has issued a final
24 decision on the merits holding, without reversal, vacatur, or
25 preemption, that the specific conduct alleged to be unlawful
26 was consistent with the law.

27 2. A municipality shall not be liable for any claim brought
28 under this chapter where the employee or officer was determined
29 to be protected by qualified immunity under subsection 1.

30 3. A plaintiff who brings a claim under this chapter
31 alleging a violation of the law must state with particularity
32 the circumstances constituting the violation and that the law
33 was clearly established at the time of the alleged violation.
34 Failure to plead a plausible violation or failure to plead that
35 the law was clearly established at the time of the alleged

1 violation shall result in dismissal with prejudice.

2 4. Any decision by the district court denying qualified
3 immunity shall be immediately appealable.

4 5. This section shall apply in addition to any other
5 statutory or common law immunity.

6 Sec. 37. NEW SECTION. **670.14 Money damages — nonwaiver**
7 **of rights.**

8 This chapter shall not be construed to be a waiver of
9 sovereign immunity for a claim for money damages under the
10 Constitution of the State of Iowa.

11 Sec. 38. EFFECTIVE DATE. This division of this Act, being
12 deemed of immediate importance, takes effect upon enactment.

13 DIVISION XI

14 PUBLIC DISORDER

15 Sec. 39. Section 723.1, Code 2021, is amended to read as
16 follows:

17 **723.1 Riot.**

18 A riot is three or more persons assembled together in a
19 violent and disturbing manner, ~~to the disturbance of others,~~
20 and with any use of unlawful force or violence by them or any
21 of them against another person, or causing property damage.
22 A person who willingly joins in or remains a part of a riot,
23 knowing or having reasonable grounds to believe that it is
24 such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

25 Sec. 40. Section 723.2, Code 2021, is amended to read as
26 follows:

27 **723.2 Unlawful assembly.**

28 An unlawful assembly is three or more persons assembled
29 together, with them or any of them acting in a violent manner,
30 and with intent that they or any of them will commit a public
31 offense. A person who willingly joins in or remains a part
32 of an unlawful assembly, or who joined a lawful assembly but
33 willingly remains after the assembly becomes unlawful, knowing
34 or having reasonable grounds to believe that it is such,
35 commits ~~a simple~~ an aggravated misdemeanor.

1 Sec. 41. EFFECTIVE DATE. This division of this Act, being
2 deemed of immediate importance, takes effect upon enactment.

3 DIVISION XII

4 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF
5 RIGHTS

6 Sec. 42. Section 80F.1, subsection 1, paragraph a, Code
7 2021, is amended to read as follows:

8 a. "*Complaint*" means a formal written allegation signed
9 by the complainant or a signed written statement by an
10 officer receiving an oral complaint stating the complainant's
11 allegation.

12 Sec. 43. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18,
13 Code 2021, are amended to read as follows:

14 3. A formal administrative investigation of an officer
15 shall be commenced and completed in a reasonable period of time
16 ~~and an.~~ An officer shall be immediately notified in writing
17 of the results of the investigation when the investigation is
18 completed.

19 5. An officer who is the subject of a complaint, shall at a
20 minimum, be provided a written summary of the complaint prior
21 to an interview. If a collective bargaining agreement applies,
22 the complaint or written summary shall be provided pursuant
23 to the procedures established under the collective bargaining
24 agreement. If the complaint alleges domestic abuse, sexual
25 abuse, workplace harassment, or sexual harassment, an officer
26 shall not receive more than a written summary of the complaint.

27 8. a. The officer shall have the right to have the
28 assistance of legal counsel present, at the officer's expense,
29 during the interview of the officer and during hearings or
30 other disciplinary or administrative proceedings relating
31 to the complaint. In addition, the officer shall have the
32 right, at the officer's expense, to have a union representative
33 present during the interview or, if not a member of a union,
34 the officer shall have the right to have a designee present.

35 b. The officer's legal counsel, union representative, or

1 employee representative shall not be compelled to disclose in
2 any judicial proceeding, nor be subject to any investigation
3 or punitive action for refusing to disclose, any information
4 received from an officer under investigation or from an
5 agent of the officer, so long as the officer or agent of the
6 officer is an uninvolved party and not considered a witness
7 to any incident. The officer's legal counsel may coordinate
8 and communicate in confidence with the officer's designated
9 union representative or employee representative, and such
10 communications are not subject to discovery in any proceeding.

11 9. If a formal administrative investigation results in
12 the removal, discharge, or suspension, or other disciplinary
13 action against an officer, copies of any witness statements
14 and the complete investigative agency's report shall be timely
15 provided to the officer upon the request of the officer or the
16 officer's legal counsel upon request at the completion of the
17 investigation.

18 13. An officer shall have the right to ~~pursue civil remedies~~
19 ~~under the law~~ bring a cause of action against a ~~citizen~~ any
20 person, group of persons, organization, or corporation for
21 damages arising from the filing of a false complaint against
22 the officer or any other violation of this chapter including
23 but not limited to actual damages, court costs, and reasonable
24 attorney fees.

25 18. A municipality, county, or state agency employing
26 an officer shall not publicly release the officer's official
27 photograph without the written permission of the officer or
28 without a request to release pursuant to chapter 22. An
29 officer's personal information including but not limited to the
30 officer's home address, personal telephone number, personal
31 electronic mail address, date of birth, social security number,
32 and driver's license number shall be confidential and shall be
33 redacted from any record prior to the record's release to the
34 public by the employing agency. Nothing in this subsection
35 prohibits the release of an officer's photograph or unredacted

1 personal information to the officer's legal counsel, union
2 representative, or designated employee representative upon the
3 officer's request.

4 Sec. 44. Section 80F.1, Code 2021, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 20. The employing agency shall keep
7 an officer's statement, recordings, or transcripts of any
8 interviews or disciplinary proceedings, and any complaints
9 made against an officer confidential unless otherwise provided
10 by law or with the officer's written consent. Nothing in
11 this section prohibits the release of an officer's statement,
12 recordings, or transcripts of any interviews or disciplinary
13 proceedings, and any complaints made against an officer to
14 the officer or the officer's legal counsel upon the officer's
15 request.

16 NEW SUBSECTION. 21. An agency employing full-time or
17 part-time officers shall provide training to any officer or
18 supervisor who performs or supervises an investigation under
19 this section, and shall maintain documentation of any training
20 related to this section. The Iowa law enforcement academy
21 shall adopt minimum training standards not inconsistent with
22 this subsection, including training standards concerning
23 interviewing an officer subject to a complaint.

24 NEW SUBSECTION. 22. Upon written request, the employing
25 agency shall provide to the requesting officer or the officer's
26 legal counsel a copy of the officer's personnel file and
27 training records regardless of whether the officer is subject
28 to a formal administrative investigation at the time of the
29 request.

30 DIVISION XIII

31 CIVIL LIABILITY FOR CERTAIN VEHICLE OPERATORS

32 Sec. 45. NEW SECTION. 321.366A Immunity from civil
33 liability for certain vehicle operators.

34 1. The driver of a vehicle who is exercising due care and
35 who injures another person who is participating in a protest,

1 demonstration, riot, or unlawful assembly or who is engaging in
2 disorderly conduct and is blocking traffic in a public street
3 or highway shall be immune from civil liability for the injury
4 caused by the driver of the vehicle.

5 2. The driver of a vehicle who injures another person
6 who is participating in a protest, demonstration, riot, or
7 unlawful assembly or who is engaging in disorderly conduct and
8 is blocking traffic in a public street or highway shall not
9 be immune from civil liability if the actions leading to the
10 injury caused by the driver of a vehicle constitute reckless
11 or willful misconduct.

12 3. Subsection 1 shall not apply if the injured person
13 participating in a protest or demonstration was doing so with a
14 valid permit allowing persons to protest or demonstrate on the
15 public street or highway where the injury occurred.

16 Sec. 46. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION XIV

19 WINDOW TINTING

20 Sec. 47. Section 321.438, subsection 2, Code 2021, is
21 amended to read as follows:

22 2. A person shall not operate on the highway a motor
23 vehicle equipped with a front windshield, a side window to the
24 immediate right or left of the driver, or a ~~side-wing~~ sidewing
25 forward of and to the left or right of the driver which is
26 excessively dark or reflective so that it is difficult for a
27 person outside the motor vehicle to see into the motor vehicle
28 through the windshield, window, or sidewing.

29 a. The department shall adopt rules establishing a minimum
30 measurable standard of transparency which shall apply to
31 violations of this subsection.

32 b. This subsection does not apply to a person who operates
33 a motor vehicle owned or leased by a federal, state, or local
34 law enforcement agency if the operation is part of the person's
35 official duties.

1 Sec. 48. EFFECTIVE DATE. This division of this Act, being
2 deemed of immediate importance, takes effect upon enactment.

3 DIVISION XV

4 SHERIFF SALARIES

5 Sec. 49. Section 331.907, subsection 1, Code 2021, is
6 amended to read as follows:

7 1. The annual compensation of the auditor, treasurer,
8 recorder, sheriff, county attorney, and supervisors shall
9 be determined as provided in this section. The county
10 compensation board annually shall review the compensation
11 paid to comparable officers in other counties of this
12 state, other states, private enterprise, and the federal
13 government. In setting the salary of the county sheriff,
14 the county compensation board shall ~~consider setting~~ set the
15 sheriff's salary so that it is comparable to salaries paid
16 to professional law enforcement administrators and command
17 officers of the state patrol, the division of criminal
18 investigation of the department of public safety, and city
19 ~~police agencies in this state~~ chiefs employed by cities of
20 similar population to the population of the county. The county
21 compensation board shall prepare a compensation schedule for
22 the elective county officers for the succeeding fiscal year. A
23 recommended compensation schedule requires a majority vote of
24 the membership of the county compensation board.

25 DIVISION XVI

26 CONFIDENTIAL COMMUNICATIONS — PEER SUPPORT — GROUP COUNSELORS

27 Sec. 50. Section 622.10, subsection 9, paragraphs a and b,
28 Code 2021, are amended to read as follows:

29 a. A peer support group counselor or individual present
30 for a group crisis intervention who obtains information from
31 an officer or a civilian employee of a law enforcement agency
32 or fire department by reason of the counselor's capacity as a
33 peer support group counselor or an individual's presence for
34 a group crisis intervention shall not be allowed, in giving
35 testimony, to disclose any confidential communication properly

1 entrusted to the counselor or individual present for a group
2 crisis intervention by the officer or civilian employee while
3 receiving counseling or group crisis intervention.

4 b. The prohibition in this subsection does not apply
5 where the officer or civilian employee has consented to the
6 disclosure of the information specified in paragraph "a" or
7 where the peer support group counselor or individual present
8 for a group crisis intervention was an initial responding
9 officer, a witness, or a party to the incident which prompted
10 the delivery of peer support group counseling services or the
11 group crisis intervention to the officer or civilian employee.

12 DIVISION XVII

13 DISABILITY MEDICAL BENEFITS — IOWA PUBLIC RETIREMENT SYSTEM

14 Sec. 51. Section 97B.50A, Code 2021, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 8A. *Medical benefits.* An employer shall
17 furnish reasonable surgical, medical, dental, osteopathic,
18 chiropractic, podiatric, physical rehabilitation, nursing,
19 ambulance, and hospital services and supplies for a member who
20 is injured in the performance of the member's duties and is
21 receiving an in-service disability retirement allowance under
22 subsection 2 or has waived an in-service disability retirement
23 allowance under subsection 4, regardless of when the injury
24 occurred or when the member's in-service disability allowance
25 commenced.

26 DIVISION XVIII

27 OFFICER DISCIPLINARY ACTIONS

28 Sec. 52. Section 80F.1, Code 2021, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 23. a. An officer shall not be discharged,
31 disciplined, or threatened with discharge or discipline by a
32 state, county, or municipal law enforcement agency solely due
33 to a prosecuting attorney making a determination or disclosure
34 that exculpatory evidence exists concerning the officer.

35 b. This subsection does not prohibit a law enforcement

1 agency from dismissing, suspending, demoting, or taking other
2 disciplinary actions against an officer based on the underlying
3 actions that resulted in the exculpatory evidence being
4 withheld. If a collective bargaining agreement applies, the
5 actions taken by the law enforcement agency shall conform to
6 the rules and procedures adopted by the collective bargaining
7 agreement.

8 Sec. 53. FUTURE REPEAL. This division is repealed July 1,
9 2022.

10 Sec. 54. BRADY-GIGLIO LIST INTERIM COMMITTEE.

11 1. The legislative council is requested to establish a
12 Brady-Giglio list interim committee for the 2021 interim. The
13 purpose of the committee shall be to do all of the following:

14 a. Study the disclosure of information contained in officer
15 personnel files as such information relates to a Brady-Giglio
16 list.

17 b. Study the efficiency of implementing a statewide system
18 for a Brady-Giglio list, identifying impartial entities to
19 conduct investigations pertaining to an officer's acts or
20 omissions to act, and recommending the appropriate procedures,
21 due process protections, appeal rights, and criteria for the
22 placement and removal of an officer's name on and from a
23 Brady-Giglio list.

24 c. Study any other issues that the committee determines
25 relevant to its objective. The committee may solicit the
26 advice or testimony of any organization or individual with
27 information or expertise relevant to the purpose of the
28 committee.

29 2. The committee shall consist of three members of the
30 senate appointed by the majority leader of the senate, two
31 members of the senate appointed by the minority leader of the
32 senate, three members of the house of representatives appointed
33 by the speaker of the house of representatives, and two members
34 of the house of representatives appointed by the minority
35 leader of the house of representatives. Additional committee

1 members shall include the commissioner of the department of
2 public safety or the commissioner's designee, a district court
3 judge appointed by the supreme court, and representatives from
4 all of the following: the Iowa county attorneys association,
5 the Iowa sheriffs and deputies association, the Iowa police
6 chiefs association, the Iowa state police association, the
7 Iowa peace officers association, the Iowa professional fire
8 fighters, the Iowa state troopers association, and the Iowa
9 state patrol supervisors association. The Iowa sheriffs and
10 deputies association member representative shall be an officer
11 who does not hold rank.

12 3. The committee shall elect a chairperson from the members
13 appointed.

14 4. The committee shall issue a report, including findings
15 and recommendations, to the governor and the general assembly
16 no later than December 16, 2021.

17 5. For the purposes of this section, "Brady-Giglio list"
18 means a list of officers maintained by the county attorney's
19 office, including officers who may not have disclosed all
20 impeachment information and officers who may have violated the
21 pretrial discovery rule requiring officers to turn over all
22 evidence that might be used to exonerate a defendant.>

23 2. Title page, by striking line 1 and inserting <An Act
24 relating to public records including confidentiality, access,
25 and enforcement of public violations; uniform commercial code
26 filings; certain employment matters including certain benefits,
27 workers' compensation, civil service examinations, and sheriff
28 salaries; qualified immunity; communications in professional
29 confidence; law enforcement including officer rights and
30 disciplinary actions, eluding law enforcement, and the carrying
31 of firearms; assaults involving lasers; the enforcement of
32 laws; public disorder, assault, harassment, criminal mischief,
33 unlawful obstruction of certain highways, and disorderly
34 conduct; civil liability for certain vehicle operators; and
35 window tinting; and providing penalties and including effective

S-3158 (Continued)

1 date provisions.>

S-3158 FILED APRIL 15, 2021

HOUSE FILE 416

S-3156

1 Amend House File 416, as passed by the House, as follows:

2 1. Page 1, by striking lines 3 through 11 and inserting:

3 <3. "*Child*" means an unmarried person who is less than
4 eighteen years of age; or an unmarried person who is eighteen
5 years of age and is engaged full-time in completing high school
6 graduation or equivalency requirements in a manner which is
7 reasonably expected to result in completion of the requirements
8 prior to the person reaching nineteen years of age; or an
9 unmarried person for whom a support obligation is newly
10 established on or after July 1, 2021, as specified in section
11 598.1, subsection 9, who has reached eighteen years of age and
12 is engaged full-time in completing high school graduation or
13 equivalency requirements so long as such full-time engagement
14 is continuous and reasonably expected to result in completion
15 of the requirements, until the person reaches nineteen years
16 of age or completes high school graduation or equivalency
17 requirements, whichever occurs first.>

18 2. Page 1, by striking lines 24 and 25 and inserting
19 <support of a parent's child ~~between the ages of~~ who has
20 reached eighteen and ~~nineteen~~ years of age if the child is
21 engaged full-time in completing>

22 3. Page 2, by striking line 2 and inserting <of the child
23 ~~between the ages of~~ who has reached eighteen and ~~nineteen~~ years
24 of age>

25 4. Page 2, by striking line 13 and inserting <a person who
26 ~~is age~~ has reached eighteen but ~~less than~~ years of age nineteen
27 and who>

28 5. Page 2, by striking lines 25 and 26 and inserting <the
29 ~~ages of~~ who has reached eighteen and ~~nineteen~~ ~~who has not yet~~
30 ~~graduated from high school but~~ years of age who is engaged
31 full-time in completing>

32 6. Page 3, by striking lines 2 and 3 and inserting <the
33 ~~age of~~ who has reached eighteen and ~~nineteen~~ ~~who has not yet~~
34 ~~graduated from high school but~~ years of age who is engaged
35 full-time in completing>

S-3156 (Continued)

1 7. Page 3, by striking lines 19 through 22 and inserting
2 <support. ~~The~~ For newly established orders entered on or after
3 July 1, 2021, obligations shall include support for a child
4 until the child reaches eighteen years of age, or for a child
5 ~~who is between the ages of~~ has reached eighteen and nineteen
6 years of age who is engaged full-time in completing>
7 8. Page 4, by striking lines 3 and 4 and inserting <support
8 of the child ~~between the ages of~~ who has reached eighteen and
9 nineteen years of age if the child is engaged full-time in
10 completing high>

By COMMITTEE ON JUDICIARY
BRAD ZAUN, CHAIRPERSON

[S-3156](#) FILED APRIL 15, 2021

HOUSE FILE 780

S-3157

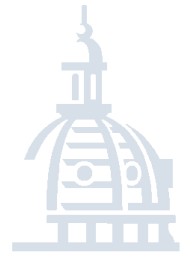
1 Amend House File 780, as passed by the House, as follows:

2 1. Page 1, line 7, after <135.1> by inserting <, physician
3 assistant as defined in section 148C.1, or advanced practice
4 registered nurse as defined in section 152E.3>

5 2. Title page, line 2, by striking <licensed physicians> and
6 inserting <medical practitioners>

By COMMITTEE ON HUMAN RESOURCES
JEFF EDLER, CHAIRPERSON

S-3157 FILED APRIL 15, 2021



[HF 785](#) – Amusement Concessions (LSB2171HV)
Staff Contact: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 785](#) as amended:

- Changes the definition of “amusement concession” to a game of skill or game of chance with an instant win possibility where, if the participant completes a task, the participant wins a prize.
- Removes nudge games and swap games from the definition of “amusement concession.”
- Defines “nudge game” as any game or phase of a game in which a participant spins reels or simulated reels and may choose to nudge one or more reels in any direction to complete a winning combination or pattern.
- Defines “swap game” as any game or phase of a game in which a participant spins reels or simulated reels and may choose to swap, move, or substitute one or more icons or symbols to create a winning combination or pattern.
- Specifies that an amusement concession may not be designed or adapted with any control device to permit manipulation of the amusement concession by the operator in order to prevent a participant from winning or to predetermine who the winner will be.
- Allows the Department of Inspections and Appeals (DIA) to license an electronic or computerized game with a video display screen as an amusement concession if the following conditions are met:
 - The game is conducted through continuous gameplay.
 - Prizes are awarded based solely upon a participant’s successful completion of a required skill or task in the course of the game’s play.
 - The game is not a nudge game, a swap game, or a mechanical or electrical device that displays spinning reels or simulated reels.
 - The game may be programmed to ensure a set payout percentage to participants of at least 80.0%. If a game is programmed with a set payout percentage, the operator shall prominently post the percentage applicable to the game’s play in a manner visible to all playing positions.
 - The game may be programmed to award prizes by allowing a player to complete tasks or use skills at variable frequency or difficulty. The game may not be programmed to prevent the completion of any advertised or offered skills or tasks.

The Bill is effective upon enactment.

Background

The Department of Public Safety (DPS) uses the DIA’s amusement device registration fee revenue, which is deposited into the Amusement Devices Special Fund, to fund 1.0 full-time equivalent position for an Investigator. In FY 2020, approximately \$400,000 was deposited into the Amusement Devices Special Fund. In the same year, approximately \$30,000 was collected in amusement concession license revenue. In FY 2020, more than 5,000 amusement devices were registered.

Assumptions

- House File 785 as amended will not apply to currently registered amusement devices.
- A small number of new amusement concession games will be licensed.
- The DIA will need to update the online application system and redesign paper applications to conform to the new amusement concession language.

Fiscal Impact

House File 785 as amended would have no fiscal impact on annual Amusement Devices Special Fund revenue. A small number of new amusement concession games would be licensed, but this number cannot be estimated at this time. The DIA estimates a one-time cost of up to \$10,000 to update the online application system to reflect the new amusement concession provisions. There is staff time associated with redesigning paper applications and to update the information on the DIA website.

Sources

Integrated Information for Iowa (I/3) State Accounting System
LSA Fee Project
Department of Inspections and Appeals
Department of Public Safety

/s/ Holly M. Lyons

April 15, 2021

Doc ID 12190741219074

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.

www.legis.iowa.gov