

CHAPTER 1049

PEACE OFFICER AND CORRECTIONS OFFICER ACTS OR OMISSIONS — REIMBURSEMENT OF CRIMINAL DEFENSE COSTS

S.F. 378

AN ACT relating to reimbursement of defense costs of peace officers and corrections officers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **80F.2 Reimbursement of defense costs.**

1. If a peace officer, as defined in [section 801.4](#), or a corrections officer is charged with the alleged commission of a public offense, based on acts or omissions within the scope of the officer's lawful duty or authority, and the charge is dismissed or the officer is acquitted of the charge, the presiding magistrate or judge shall enter judgment awarding reimbursement to the officer for any costs incurred in defending against the charge, including but not limited to a reasonable attorney fee, if the court finds the existence of any of the following grounds:

a. The charge was without probable cause.

b. The charge was filed for malicious purposes.

c. The charge was unwarranted in consideration of all of the circumstances and matters of law attending the alleged offense.

2. The officer may apply for review of a failure or refusal to rule or an adverse ruling as to the existence of any of the above grounds. The application shall be to a district judge if the officer is seeking review of the act of a magistrate or district associate judge and the application shall be to a different district judge if review is sought of an act of a district judge.

Sec. 2. **REPEAL.** Section 80.37, Code 2015,¹ is repealed.

Approved April 6, 2016

¹ See chapter 1138, §29 herein