

### CHAPTER 80G

#### UNDERCOVER LAW ENFORCEMENT OFFICERS — PRIVILEGE — CONFIDENTIALITY

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#### 80G.1 Definitions.

As used in [this section](#) except as the context otherwise requires:

1. “*Compensation*” means the same as defined in [section 22.7, subsection 11](#).
2. “*Law enforcement officer*” means the same as “*peace officer*” as defined in [section 801.4](#).
3. “*Undercover law enforcement officer*” means a law enforcement officer who is actively involved with and assigned to investigate alleged violations of state or federal law and whose identity as a law enforcement officer is concealed while conducting an investigation. “*Undercover law enforcement officer*” includes a law enforcement officer actively engaged in undercover law enforcement work whose assignment requires the law enforcement officer to work incognito, or in a situation in which the true identity of the law enforcement officer is intentionally hidden from others. “*Undercover law enforcement officer*” does not include a law enforcement officer participating in undercover law enforcement work that is merely incidental or ancillary to the law enforcement officer’s assigned duties.

[2017 Acts, ch 122, §3](#)

#### 80G.2 Law enforcement officer — privilege — confidentiality.

1. *a.* A law enforcement officer shall not be examined or be required to give evidence in any criminal proceeding that requires the disclosure of any records or information relating to any of the following:

- (1) Identification documents or other documents necessary to conduct a lawful undercover criminal investigation.
- (2) Personal identifying information about the law enforcement officer or immediate family member of the law enforcement officer, or other information unrelated to the law enforcement officer’s professional duties which could be used to threaten, harm, or intimidate the law enforcement officer or immediate family member of the law enforcement officer, or other information that could reasonably be construed to constitute an unwarranted invasion of privacy of the law enforcement officer or immediate family member of the law enforcement officer. Personal information that is knowingly and voluntarily disclosed by the law enforcement officer or immediate family member of the law enforcement officer may be disseminated.

*b.* A law enforcement officer who is called to testify shall not disclose information that is subject to nondisclosure as a result of a court order, statute, contract, or a condition or requirement of a grant.

2. In determining whether nondisclosure of confidential or privileged information about a law enforcement officer may affect a defendant’s right to present a defense, the court shall make findings on the record regarding the impact of disclosure on the personal safety of the law enforcement officer or immediate family member of the law enforcement officer if the evidence is disclosed, the probative value of the confidential or privileged information about the law enforcement officer, the impact of disclosure on public safety, the potential for partial or limited disclosure of the privileged information, and the defendant’s constitutional right to present a defense. Any privileged information that is admitted for purposes of a pretrial hearing or a preliminary admissibility determination shall remain confidential.

[2017 Acts, ch 122, §4](#)

Referred to in [§22.7\(5\)](#)

#### 80G.3 Personnel information — undercover law enforcement officer — confidentiality.

The name, photograph, compensation and benefit records, time records, residential address, or any other personal identifying information of an undercover law enforcement

officer shall be confidential while the undercover law enforcement officer is actively involved with or assigned to investigate violations of state or federal law.

[2017 Acts, ch 122, §5](#)

Referred to in [§22.7\(11\)\(a\)](#)

**80G.4 Court determination.**

Factual disputes relating to who is an undercover law enforcement officer or what work constitutes undercover law enforcement work shall be determined by the district court.

[2017 Acts, ch 122, §6](#)