

Senate Study Bill 1140 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BILL)

A BILL FOR

1 An Act relating to certain public safety, public employment,
2 and law enforcement matters, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 8.31A Denial of state funds.

2 1. Notwithstanding any other provision of law to the
3 contrary, a local entity, including any entity under the
4 jurisdiction of the local entity, shall be ineligible to
5 receive any state funds if the local entity reduces the budget
6 of a law enforcement agency under the jurisdiction of the local
7 entity unless the total budget of the local entity is reduced
8 by an equal or larger percentage or the local entity provides
9 sufficient justification under subsection 4.

10 2. State funds shall be denied to a local entity pursuant to
11 subsection 1 by all state agencies for each state fiscal year
12 that begins after the fiscal year in which the law enforcement
13 agency's budget is reduced. State funds shall continue to be
14 denied until eligibility to receive state funds is reinstated
15 under section 8.31. However, any state funds for law
16 enforcement purposes shall not be denied under this section.

17 3. A local entity's eligibility to receive state funds shall
18 be reinstated beginning on the first day of the month following
19 the date on which the local entity's budget is no longer in
20 violation of this section.

21 4. a. A local entity may submit written justification to
22 the department of management for any reductions in the local
23 entity's law enforcement budget. Sufficient justification may
24 include any of the following:

25 (1) Reductions related to one-time capital or one-time
26 equipment or vehicle purchases in the prior fiscal year.

27 (2) Reductions related to lower personnel cost of law
28 enforcement personnel due only to lower cost entry-level
29 law enforcement personnel replacing prior law enforcement
30 personnel.

31 (3) Reductions due to the merging or consolidation of jail
32 services or communications and dispatch services or the merging
33 of law enforcement agencies.

34 (4) Reductions due to reduced population in a jurisdiction
35 served by a law enforcement agency.

1 *b.* Notwithstanding any other provision of the Code, detailed
2 information shall be required by any local entity, as described
3 in rules, for any necessary budgetary information.

4 5. The department of management shall adopt rules pursuant
5 to chapter 17A to implement this section uniformly across
6 state agencies from which state funds are distributed to local
7 entities.

8 6. For purposes of this section, "local entity" means the
9 governing body of a city or county. "Local entity" includes
10 an officer or employee of a local entity or a division,
11 department, or other body that is part of a local entity,
12 including but not limited to a sheriff, police department, city
13 attorney, or county attorney.

14 Sec. 2. Section 20.1, subsection 2, paragraph a, Code 2021,
15 is amended to read as follows:

16 *a.* Determining appropriate bargaining units, amending
17 the composition of previously determined bargaining units
18 represented by a certified employee organization, reconsidering
19 and altering the composition of previously determined
20 bargaining units which are not represented by a certified
21 employee organization, and conducting representation elections.

22 Sec. 3. Section 20.3, subsection 11, Code 2021, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. *g.* A peace officer employed by a regents
25 institution.

26 Sec. 4. Section 20.13, Code 2021, is amended to read as
27 follows:

28 **20.13 Bargaining unit determination, amendment, and**
29 **reconsideration.**

30 1. ~~Board~~ The board's determination of an appropriate
31 bargaining unit shall be upon petition filed by a public
32 employer, public employee, or employee organization. Except
33 as provided in subsection 4, the board's amendment of the
34 composition of a represented bargaining unit shall be upon
35 petition filed by the employer or certified representative

1 of the bargaining unit. The board's reconsideration of the
2 composition of a previously determined bargaining unit which is
3 not represented by a certified representative shall be upon the
4 combined petition of an employee organization which also seeks
5 a representation election pursuant to section 20.14, subsection
6 2.

7 2. Within thirty days of receipt of a petition, the board
8 shall conduct a public hearing, receive written or oral
9 testimony, and promptly thereafter file an order defining
10 the appropriate bargaining unit, amending or refusing to
11 amend the composition of a represented bargaining unit or
12 reconsidering and altering or refusing to alter the composition
13 of an unrepresented bargaining unit. In defining the unit,
14 or determining whether a unit should be amended or altered
15 in response to a petition for amendment or reconsideration,
16 the board shall take into consideration, along with other
17 relevant factors, the principles of efficient administration
18 of government, the existence of a community of interest among
19 public employees, the history and extent of public employee
20 organization, geographical location, and the recommendations
21 of the parties involved.

22 ~~3. Appeals from such order shall be governed by the~~
23 ~~provisions of [chapter 17A](#).~~

24 ~~4.~~ 3. Professional and nonprofessional employees shall not
25 be included in the same bargaining unit unless a majority of
26 both agree.

27 4. Notwithstanding the provisions of subsection 1, a
28 petition to amend the composition of a represented bargaining
29 unit by the removal of public safety employees may be filed
30 by a public safety employee who is a member of the bargaining
31 unit. If the petition is accompanied by evidence satisfactory
32 to the board that the public safety employees in the bargaining
33 unit do not constitute at least thirty percent of the employees
34 in the unit and that a majority of the public safety employees
35 in the unit support the petition, the board shall conduct

1 a hearing within thirty days of its finding such evidence
2 satisfactory and shall promptly thereafter issue an order
3 granting or denying the requested amendment. If the board
4 amends the composition of the bargaining unit by removing
5 public safety employees, those employees may immediately be the
6 subject of a separate bargaining unit determination petition
7 filed in accordance with subsection 1.

8 5. Appeals from such orders shall be governed by the
9 provisions of chapter 17A.

10 Sec. 5. Section 80E.1, Code 2021, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4. The governor's office of drug control
13 policy shall not expend any moneys received from any state or
14 federal grants to a local entity that reduces the budget of
15 a law enforcement agency under the jurisdiction of the local
16 entity unless the total budget of the local entity is reduced
17 by an equal or larger percentage. However, any moneys for law
18 enforcement purposes shall not be denied under this section.
19 For purposes of this subsection, "*local entity*" means the
20 governing body of a city or county.

21 Sec. 6. Section 80F.1, subsection 13, Code 2021, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 13. An officer who has suffered any injury, personal
25 or otherwise, during the performance of official duties
26 or directly related to the officer's status as an officer,
27 including due to a person knowingly filing a false complaint
28 against the officer, shall have the right to pursue civil
29 remedies under the law against any person, group of persons,
30 organization, corporation, or the head of an organization or
31 corporation, for damages including but not limited to actual
32 damages, court costs, and reasonable attorney fees.

33 Sec. 7. NEW SECTION. 80I.1 **Purpose — construction.**

34 It is the purpose of this chapter to prohibit disparate
35 treatment in law enforcement, including racial and ethnic

1 profiling, to foster trust and cooperation with law enforcement
2 in Iowa communities and to create a safer state for all Iowans.

3 Sec. 8. NEW SECTION. 80I.2 Definitions.

4 As used in this chapter, unless the context otherwise
5 requires:

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

8 2. "*Disparate treatment*" means differential treatment of
9 a person on the basis of personal demographics. "*Disparate*
10 *treatment*" does not include reliance on a specific subject
11 description-based identification.

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

29 4. "*Law enforcement agency*" means any agency, department, or
30 division of a municipal corporation, political subdivision, or
31 other unit of local government of this state, and any agency,
32 department, or division of state government, having as its
33 primary function the prevention and detection of crime and the
34 enforcement of the criminal laws of this state.

35 5. "*Law enforcement officer*" means the same as defined in

1 section 80B.3.

2 6. "*Law enforcement services*" means activities that
3 contribute to the overall well-being and safety of the
4 public to include but not be limited to crime prevention and
5 investigation, preventative patrols, traffic control, traffic
6 accident response, medical emergency services and lifesaving
7 services, assistance at fire scenes, and public information and
8 education.

9 7. "*Personal demographics*" means personal characteristics
10 which include but are not limited to race, creed, color,
11 national origin, ethnicity, religion, sex, gender identity or
12 expression, sexual orientation, physical or mental disability,
13 or any other identifiable characteristics.

14 8. "*Specific subject description-based identification*"
15 means a reasonably detailed description of a specific person
16 including personal identifying characteristics of a potential
17 suspect or victim, including personal demographics.

18 9. "*Stop*" means the detention or temporary detention of
19 a person by a law enforcement officer, regardless of whether
20 a written warning or ticket is issued, an arrest is made,
21 a verbal warning is given, or the person is released from
22 detention or temporary detention.

23 Sec. 9. NEW SECTION. **80I.3 Disparate treatment prohibited.**

24 1. A state or local law enforcement officer or civilian
25 employee of a law enforcement agency performing law enforcement
26 activities or delivering law enforcement services shall not
27 engage in the disparate treatment of any person.

28 2. A law enforcement officer shall not engage in disparate
29 treatment when detaining a person, conducting a stop, or
30 engaging in any other interactions with a person subsequent to
31 a stop.

32 Sec. 10. NEW SECTION. **80I.4 Data collection and reporting.**

33 1. Each state and local law enforcement agency shall
34 collect and compile data on every stop conducted by a law
35 enforcement officer during a calendar year, and shall submit

1 an annual report, no later than November 1, to the division of
2 criminal and juvenile justice planning of the department of
3 human rights. The following information shall be collected,
4 compiled, and reported when a law enforcement officer stops a
5 person and requests the person's identification:

6 a. The time, date, and location of the stop.

7 b. The nature of the alleged law violation that resulted in
8 the stop.

9 c. Whether an arrest was made.

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

11 e. Whether an oral or written warning was given or a
12 citation was issued.

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

14 g. The identifying characteristics of the person including
15 the person's race or ethnicity, sex, and age.

16 h. Any other information which the law enforcement officer
17 or law enforcement agency considers appropriate.

18 2. In consultation with law enforcement agencies, the
19 board, the department of public safety, and the division of
20 criminal and juvenile justice planning of the department of
21 human rights shall develop a uniform manner for each law
22 enforcement agency to report the information described in
23 subsection 1.

24 Sec. 11. NEW SECTION. 80I.5 Data analysis.

25 The division of criminal and juvenile justice planning of
26 the department of human rights shall compile all data reported
27 pursuant to section 80I.4, analyze the data in a timely manner,
28 and provide an analysis of the data along with the compiled
29 data to the board no later than December 1 of each year. The
30 report shall be accessible to the public from a prominent place
31 on the board's website.

32 Sec. 12. NEW SECTION. 80I.6 Investigations — civil
33 remedies.

34 1. A law enforcement agency shall investigate all alleged
35 violations of section 80I.3 administratively, including through

1 the law enforcement agency's human resource office or internal
2 affairs office.

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

5 Sec. 13. Section 216A.3, subsection 2, paragraph a, Code
6 2021, is amended to read as follows:

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

19 Sec. 14. Section 216A.131, subsection 2, Code 2021, is
20 amended to read as follows:

21 2. "*Board*" means the justice and community policing advisory
22 board.

23 Sec. 15. Section 216A.132, subsection 1, Code 2021, is
24 amended by striking the subsection and inserting in lieu
25 thereof the following:

26 1. A justice and community policing advisory board is
27 established consisting of thirty-two members who shall all
28 reside in the state.

29 a. The governor shall appoint thirteen voting members
30 each for a four-year term beginning and ending as provided in
31 section 69.19 and subject to confirmation by the senate as
32 follows:

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

35 (2) A chief of police who is a member of the Iowa police

1 chiefs association.

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

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

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

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

10 (7) A representative from the American civil liberties
11 union of Iowa.

12 (8) A representative from the Iowa coalition for collective
13 change.

14 (9) One person who was formerly under juvenile court or
15 correctional supervision.

16 (10) A representative from the office of the state public
17 defender.

18 (11) A representative from the Iowa county attorneys
19 association.

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

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

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

28 (2) The chairperson of the commission of Latino affairs or
29 its designee.

30 (3) The chairperson of the commission of Asian and Pacific
31 Islander affairs or its designee.

32 (4) The chairperson of the commission of Native American
33 affairs or its designee.

34 (5) The director of the department of human services or its
35 designee.

1 (6) The director of the department of public health or its
2 designee.

3 (7) The commissioner of the department of public safety or
4 its designee.

5 (8) The director of the Iowa law enforcement academy or its
6 designee.

7 (9) The director of the department of corrections or its
8 designee.

9 (10) The chairperson of the board of parole or its designee.

10 (11) The attorney general or its designee.

11 (12) The director of the governor's office of drug control
12 policy or its designee.

13 (13) One member representing the judicial district
14 departments of correctional services designated by a majority
15 of the directors of the judicial district departments of
16 correctional services.

17 (14) The chief justice of the supreme court shall designate
18 the following:

19 (a) One member who is a district judge.

20 (b) One member who is either a district associate judge or
21 associate juvenile judge.

22 (15) The chairperson and ranking member of the senate
23 committee on judiciary shall be ex officio, nonvoting members.
24 In alternating two-year terms, beginning and ending as provided
25 in section 69.16B, the chairperson and ranking member of the
26 house committee on judiciary or of the house committee on
27 public safety shall be ex officio, nonvoting members, with the
28 chairperson and ranking member of the house committee on public
29 safety serving during the term beginning in January 2022.

30 Sec. 16. Section 216A.133, subsection 3, paragraph o, Code
31 2021, is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (9) Potential disparity in law
33 enforcement activities and the delivery of law enforcement
34 services.

35 Sec. 17. Section 216A.133, subsection 3, Code 2021, is

1 amended by adding the following new paragraphs:

2 NEW PARAGRAPH. *s.* Studying and making recommendations for
3 eliminating disparity in law enforcement activities and the
4 delivery of law enforcement services.

5 NEW PARAGRAPH. *t.* Recommending to the department the
6 adoption of rules pursuant to chapter 17A as it deems necessary
7 for the collection, compilation, and reporting of stop data
8 pursuant to section 80I.4.

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

11 NEW PARAGRAPH. *g.* An assessment and analysis of the
12 collection, compilation, and reporting of stop data compiled by
13 law enforcement agencies, including an analysis of disparate
14 treatment based on personal demographics across geographic
15 areas of the state, the past and current status of racial
16 profiling across the state, and the impact on law enforcement
17 stop, search, and seizure tactics.

18 Sec. 19. NEW SECTION. **321.182A Application for driver's**
19 **license or nonoperator's identification card — race and**
20 **ethnicity.**

21 1. The department shall request that a person who applies
22 for a driver's license or nonoperator's identification
23 card or for renewal of a driver's license or nonoperator's
24 identification card disclose and specify the person's race or
25 ethnicity, each of which may be disclosed and specified to the
26 department at the person's discretion.

27 2. Prior to January 15, 2023, and prior to January 15 of
28 each year thereafter, the department shall submit a report
29 to the general assembly detailing the number of driver's
30 license and nonoperator's identification card holders who
31 have disclosed and specified a race or ethnicity pursuant to
32 subsection 1.

33 3. The department shall electronically maintain as part
34 of a person's record, and in the machine-readable portion of
35 the driver's license or nonoperator's identification card, the

1 race and ethnicity information obtained by the department, but
2 shall not include such information on the face of the person's
3 driver's license or nonoperator's identification card. Race
4 and ethnicity information collected by the department shall
5 be accessible by an officer or employee of a law enforcement
6 agency for use in carrying out the agency's functions as
7 permitted by law, but shall be considered confidential
8 information and is not a public record or otherwise subject
9 to disclosure under chapter 22. The department shall not
10 otherwise release race and ethnicity information collected
11 under this section except to any of the following:

12 a. The justice and community policing advisory board
13 established in section 216A.132.

14 b. The state court administrator for use in carrying out the
15 administrator's functions as permitted by law.

16 c. The division of criminal and juvenile justice planning of
17 the department of human rights for use in research activities
18 and in producing statistical reports and analysis as permitted
19 by law.

20 4. For the collection of race and ethnicity information
21 pursuant to this section, the department shall follow, to
22 the extent practicable, the race and ethnicity categories,
23 descriptors, and standards utilized by the United States census
24 bureau.

25 5. The department may adopt rules to administer this
26 section.

27 Sec. 20. Section 321.366, subsection 1, Code 2021, is
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. g. Operate a bicycle, skateboard, or other
30 pedestrian conveyance or be a pedestrian anywhere on the fully
31 controlled-access facility. For purposes of this paragraph,
32 "*pedestrian conveyance*" means any human-powered device by which
33 a pedestrian may move other than by walking or by which a
34 walking person may move another pedestrian, including but not
35 limited to strollers and wheelchairs.

1 Sec. 21. Section 331.604, subsection 3, paragraph b,
2 subparagraph (3), Code 2021, is amended by adding the following
3 new subparagraph division:

4 NEW SUBPARAGRAPH DIVISION. (c) Implementing and
5 maintaining a process for redacting the names of any law
6 enforcement officer, as defined in section 80B.3, or state
7 or federal judicial officer or state or federal prosecutor
8 contained in electronic documents that are displayed for public
9 access through an internet site.

10 Sec. 22. Section 622.10, subsection 9, paragraphs a and b,
11 Code 2021, are amended to read as follows:

12 a. A peer support group counselor who obtains information
13 from an officer or a civilian employee of a law enforcement
14 agency or fire department by reason of the counselor's capacity
15 as a peer support group counselor shall not be allowed, in
16 giving testimony, to disclose any confidential communication
17 properly entrusted to the counselor by the officer or civilian
18 employee while receiving counseling.

19 b. The prohibition in [this subsection](#) does not apply
20 where the officer or civilian employee has consented to the
21 disclosure of the information specified in paragraph "a"
22 or where the peer support group counselor was an initial
23 responding officer, a witness, or a party to the incident which
24 prompted the delivery of peer support group counseling services
25 to the officer or civilian employee.

26 Sec. 23. Section 708.1, subsection 2, Code 2021, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. d. (1) Intentionally points a laser
29 emitting a visible light beam at another person with the intent
30 to cause pain or injury to another. For purposes of this
31 paragraph, "laser" means a device that emits a visible light
32 beam amplified by the stimulated emission of radiation and any
33 light which simulates the appearance of a laser.

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

35 (a) A law enforcement officer who uses a laser in

1 discharging or attempting to discharge the officer's official
2 duties.

3 (b) A health care professional who uses a laser in providing
4 services within the scope of practice of that professional or
5 any other person who is licensed or authorized by law to use a
6 laser or who uses a laser in the performance of the person's
7 official duties.

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

10 Sec. 24. Section 708.3A, subsections 1, 2, 3, and 4, Code
11 2021, are amended to read as follows:

12 1. A person who commits an assault, as defined in section
13 708.1, against a peace officer, civilian employee of a law
14 enforcement agency, jailer, correctional staff, member or
15 employee of the board of parole, health care provider, employee
16 of the department of human services, employee of the department
17 of revenue, ~~or~~ fire fighter, whether paid or volunteer, or
18 civilian employee of a fire department, with the knowledge
19 that the person against whom the assault is committed is a
20 peace officer, civilian employee of a law enforcement agency,
21 jailer, correctional staff, member or employee of the board
22 of parole, health care provider, employee of the department
23 of human services, employee of the department of revenue,
24 ~~or~~ fire fighter, or civilian employee of a fire department,
25 and with the intent to inflict a serious injury upon the
26 peace officer, civilian employee of a law enforcement agency,
27 jailer, correctional staff, member or employee of the board of
28 parole, health care provider, employee of the department of
29 human services, employee of the department of revenue, ~~or~~ fire
30 fighter, or civilian employee of a fire department, is guilty
31 of a class "D" "C" felony, with a mandatory minimum term of
32 imprisonment of two years.

33 2. A person who commits an assault, as defined in section
34 708.1, against a peace officer, civilian employee of a law
35 enforcement agency, jailer, correctional staff, member

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

13 3. A person who commits an assault, as defined in section
14 708.1, against a peace officer, a civilian employee of a
15 law enforcement agency, jailer, correctional staff, member
16 or employee of the board of parole, health care provider,
17 employee of the department of human services, employee of
18 the department of revenue, ~~or~~ fire fighter, whether paid or
19 volunteer, or civilian employee of a fire department, who knows
20 that the person against whom the assault is committed is a
21 peace officer, a civilian employee of a law enforcement agency,
22 jailer, correctional staff, member or employee of the board
23 of parole, health care provider, employee of the department
24 of human services, employee of the department of revenue, ~~or~~
25 fire fighter, or civilian employee of a fire department, and
26 who causes bodily injury or mental illness, is guilty of an
27 ~~aggravated misdemeanor~~ a class "D" felony, with a mandatory
28 minimum term of imprisonment of one year.

29 4. Any other assault, as defined in [section 708.1](#), committed
30 against a peace officer, civilian employee of a law enforcement
31 agency, jailer, correctional staff, member or employee of
32 the board of parole, health care provider, employee of the
33 department of human services, employee of the department of
34 revenue, ~~or~~ fire fighter, or civilian employee of a fire
35 department whether paid or volunteer, by a person who knows

1 that the person against whom the assault is committed is a
2 peace officer, jailer, correctional staff, member or employee
3 of the board of parole, health care provider, employee of
4 the department of human services, employee of the department
5 of revenue, or fire fighter, is ~~a serious~~ an aggravated
6 misdemeanor.

7 Sec. 25. Section 708.7, subsection 2, paragraph a, Code
8 2021, is amended by adding the following new subparagraph:
9 NEW SUBPARAGRAPH. (4) Commits harassment against another
10 person who is lawfully in a place of public accommodation.

11 Sec. 26. NEW SECTION. **708.7A Bias-motivated harassment of**
12 **persons engaged in certain occupations.**

13 1. A person commits bias-motivated harassment when the
14 person maliciously, and with the intent to intimidate, annoy,
15 or alarm another person because of that person's actual or
16 perceived employment as a peace officer, civilian employee of
17 a law enforcement agency, jailer, correctional staff, member
18 or employee of the board of parole, health care provider,
19 employee of the department of human services, employee of the
20 department of revenue, fire fighter, whether paid or volunteer,
21 or civilian employee of a fire department causes any of the
22 following:

- 23 a. Death or serious bodily harm to another person.
24 b. Bodily injury.
25 c. Damage to or destruction of any real or personal property
26 of another person without permission and the amount of damage
27 to the property exceeds seven hundred fifty dollars or the
28 value of the property exceeds seven hundred fifty dollars.

29 2. a. A person who commits bias-motivated harassment in
30 violation of subsection 1, paragraph "a", is guilty of a class
31 "C" felony.

32 b. A person who commits bias-motivated harassment in
33 violation of subsection 1, paragraph "b" or "c", is guilty of a
34 class "D" felony.

35 3. Each violation of this section shall constitute a

1 separate offense and shall not merge with any other crime.

2 4. A sentence imposed under this section shall run
3 consecutive to any sentence for any other offense related to
4 the act or acts establishing an offense of bias-motivated
5 harassment.

6 5. In addition to any sentence imposed for a violation of
7 subsection 1, paragraph "c", the court shall include an order
8 of restitution for any property damage or loss incurred as a
9 result of the offense.

10 Sec. 27. Section 716.4, subsection 1, Code 2021, is amended
11 to read as follows:

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

14 a. The cost of replacing, repairing, or restoring the
15 property that is damaged, defaced, altered, or destroyed
16 exceeds one thousand five hundred dollars but does not exceed
17 ten thousand dollars.

18 b. The acts damage, deface, alter, or destroy any publicly
19 owned property, including a monument or a statue. In addition
20 to any sentence imposed for a violation of this paragraph, the
21 court shall include an order of restitution for any property
22 damage or loss incurred as a result of the offense.

23 Sec. 28. Section 723.1, Code 2021, is amended to read as
24 follows:

25 **723.1 Riot.**

26 A riot is three or more persons assembled together in a
27 violent manner, to the disturbance of others, and with any use
28 of unlawful force or violence by them or any of them against
29 another person, or causing property damage. A person who
30 willingly joins in or remains a part of a riot, knowing or
31 having reasonable grounds to believe that it is such, commits
32 ~~an aggravated misdemeanor~~ a class "D" felony.

33 Sec. 29. Section 723.2, Code 2021, is amended to read as
34 follows:

35 **723.2 Unlawful assembly.**

1 An unlawful assembly is three or more persons assembled
2 together, with them or any of them acting in a violent manner,
3 and with intent that they or any of them will commit a public
4 offense. A person who willingly joins in or remains a part
5 of an unlawful assembly, knowing or having reasonable grounds
6 to believe that it is such, commits a ~~simple~~ an aggravated
7 misdemeanor.

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

10 **723.4 Disorderly conduct.**

11 1. A person commits a simple misdemeanor when the person
12 does any of the following:

13 a. Engages in fighting or violent behavior in any public
14 place or in or near any lawful assembly of persons, provided,
15 that participants in athletic contests may engage in such
16 conduct which is reasonably related to that sport.

17 b. Makes loud and raucous noise in the vicinity of any
18 residence or public building which causes unreasonable distress
19 to the occupants thereof.

20 c. Directs abusive epithets or makes any threatening gesture
21 which the person knows or reasonably should know is likely to
22 provoke a violent reaction by another.

23 d. Without lawful authority or color of authority, the
24 person disturbs any lawful assembly or meeting of persons by
25 conduct intended to disrupt the meeting or assembly.

26 e. By words or action, initiates or circulates a report or
27 warning of fire, epidemic, or other catastrophe, knowing such
28 report to be false or such warning to be baseless.

29 f. (1) Knowingly and publicly uses the flag of the United
30 States in such a manner as to show disrespect for the flag as
31 a symbol of the United States, with the intent or reasonable
32 expectation that such use will provoke or encourage another to
33 commit trespass or assault.

34 (2) As used in this paragraph:

35 (a) "Deface" means to intentionally mar the external

1 appearance.

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

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

5 (d) *Mutilate* means to intentionally cut up or alter so as
6 to make imperfect.

7 (e) *Show disrespect* means to deface, defile, mutilate, or
8 trample.

9 (f) *Trample* means to intentionally tread upon or
10 intentionally cause a machine, vehicle, or animal to tread
11 upon.

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

14 2. A person commits a serious misdemeanor when the person,
15 without lawful authority or color of authority, obstructs any
16 street, sidewalk, highway, or other public way, with the intent
17 to prevent or hinder its lawful use by others.

18 3. A person commits an aggravated misdemeanor when the
19 person commits disorderly conduct as described in subsection 2
20 and does any of the following:

21 a. Obstructs or attempts to obstruct a fully
22 controlled-access facility on a highway, street, or road in
23 which the speed restriction is controlled by section 321.285,
24 subsection 3 or 5.

25 b. Commits property damage.

26 c. Is present during an unlawful assembly as defined in
27 section 723.2.

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

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

32 b. Causes bodily injury.

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

1 Sec. 31. Section 804.21, Code 2021, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 7. Notwithstanding any other provision in
4 this section:

5 a. A defendant arrested for the offense of criminal
6 mischief, as defined in section 716.4, subsection 1, paragraph
7 "b"; rioting, as defined in section 723.1; unlawful assembly, as
8 defined in section 723.2; or disorderly conduct, as defined in
9 section 723.4, subsections 2 and 3, shall be held for at least
10 twenty-four hours after the time of the arrest. The court
11 may, however, release the defendant in less than twenty-four
12 hours if the court finds that the defendant is not likely
13 to immediately resume the criminal behavior based on the
14 circumstances of the arrest and the defendant's prior criminal
15 history, if any.

16 b. The findings of the court shall be reduced to writing.
17 The written findings shall be attached to the warrant and be
18 preserved as a permanent part of the record. The arresting
19 officer shall make official note of the time of the arrest in
20 order to establish the beginning of the twelve-hour period
21 required by this subsection.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to certain public safety, public
26 employment, and law enforcement matters, and provides
27 penalties.

28 DENIAL OF STATE FUNDS — LAW ENFORCEMENT AGENCY BUDGETS. The
29 bill provides that a local entity, including any entity under
30 the jurisdiction of the local entity, shall be ineligible to
31 receive any state funds if the local entity reduces the budget
32 of their law enforcement agency unless the total budget of
33 the local entity is reduced by an equal or larger percentage
34 or the local entity provides sufficient justification for the
35 reduction. A local entity may submit written justification to

1 the department of management for any reductions in the local
2 entity's law enforcement budget. Sufficient justification may
3 include: reductions related to one-time capital or one-time
4 equipment or vehicle purchases in the prior fiscal year;
5 reductions related to lower personnel cost of law enforcement
6 personnel due only to lower cost entry-level law enforcement
7 personnel replacing prior law enforcement personnel; reductions
8 due to the merging or consolidation of jail services or
9 communications and dispatch services or the merging of law
10 enforcement agencies; and reductions due to reduced population
11 in a jurisdiction served by a law enforcement agency. State
12 funds shall be denied to a local entity by all state agencies
13 for each state fiscal year that begins after the fiscal year in
14 which the law enforcement agency's budget is reduced. State
15 funds shall continue to be denied until eligibility to receive
16 state funds is reinstated under Code section 8.31. State
17 funds for law enforcement purposes shall not be denied. The
18 department of management is directed to adopt rules pursuant to
19 Code chapter 17A. The governor's office of drug control policy
20 shall not expend any moneys received from any state or federal
21 grants to a local entity that reduce the budget of their law
22 enforcement agency unless the total local entity budget is
23 reduced by an equal or larger percentage. Any moneys for law
24 enforcement purposes shall not be denied.

25 COLLECTIVE BARGAINING. The bill makes changes to public
26 employment collective bargaining and bargaining unit
27 determinations. The bill includes a peace officer employed by
28 a regents institution in the definition of a "public safety
29 employee", and allows public safety employees to be the subject
30 of a separate bargaining unit if they comprise fewer than 30
31 percent of the current unit and the majority of the public
32 safety employees support a petition to form a new unit.

33 PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL
34 OF RIGHTS. The bill provides that an officer who has suffered
35 any injury, personal or otherwise, during the performance of

1 official duties or directly related to the officer's status as
2 an officer, including due to a person knowingly filing a false
3 complaint against the officer, shall have the right to pursue
4 civil remedies under the law against any person, group of
5 persons, or organization or corporation including the head of
6 an organization or corporation, for damages including but not
7 limited to actual damages, court costs, and reasonable attorney
8 fees.

9 DISPARATE TREATMENT BY LAW ENFORCEMENT. The bill creates
10 a new Code chapter concerning disparate treatment by law
11 enforcement. The bill provides that it is the purpose of
12 the Code chapter to prohibit disparate treatment by law
13 enforcement, including racial and ethnic profiling, to
14 foster trust and cooperation with law enforcement in Iowa
15 communities and to create a safer state for all Iowans.
16 "Disparate treatment" is defined as the differential treatment
17 by a law enforcement officer of a person on the basis of
18 personal demographics, but does not include reliance on a
19 specific subject description-based identification. "Personal
20 demographics" is defined as personal characteristics which
21 include but are not limited to race, creed, color, national
22 origin, ethnicity, religion, sex, gender identity or
23 expression, sexual orientation, physical or mental disability,
24 or any other identifiable characteristics. "Specific
25 subject description-based identification" is defined as a
26 reasonably detailed description of the personal identifying
27 characteristics of a potential suspect or victim, including
28 personal demographics. The bill also defines "law enforcement
29 activities", "law enforcement agency", "law enforcement
30 officer", "law enforcement services", and "stop".

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

1 The bill directs each state and local law enforcement agency
2 to collect and compile data on every stop conducted by a law
3 enforcement officer of the agency during a calendar year, and
4 to submit an annual report to the division of criminal and
5 juvenile justice planning of the department of human rights.
6 The following information shall be collected, compiled, and
7 reported when a law enforcement officer stops a person and
8 requests a person's identification: the time, date, and
9 location of the stop; the nature of the alleged law violation
10 that resulted in the stop; whether an arrest was made; whether
11 a search was conducted as a result of the stop; whether an oral
12 or written warning was given or a citation issued; the offense
13 the person was arrested for, if applicable; the identifying
14 characteristics of the person stopped including race or
15 ethnicity, sex, and age; and any other information which the
16 officer or law enforcement agency considers appropriate.
17 In consultation with law enforcement agencies, the justice
18 and community policing board established in the bill, the
19 department of public safety, and the division of criminal and
20 juvenile justice planning of the department of human rights
21 shall develop a uniform manner for each law enforcement agency
22 to report the information. The division of criminal and
23 juvenile justice planning of the department of human rights
24 shall compile all data reported, analyze the data in a timely
25 manner, and provide an analysis of the data along with the
26 compiled data to the board by November 1 of each year. The
27 report shall be accessible to the public from a prominent place
28 on the board's website.

29 The bill provides that a law enforcement agency shall
30 investigate all violations concerning disparate treatment by
31 law enforcement administratively, and that a person shall have
32 the right to pursue civil remedies under Code chapters 669
33 (state tort claims) and 670 (tort liability of governmental
34 subdivisions).

35 JUSTICE AND COMMUNITY POLICING ADVISORY BOARD. The bill

1 changes the name of the justice advisory board created in
2 Code section 216A.132 to the justice and community policing
3 advisory board, and increases board membership from 28 to 32
4 members. The bill provides for the appointment of members of
5 the advisory board by the governor as well as other ex officio,
6 nonvoting members.

7 The bill adds the following duties to the justice and
8 community policing advisory board: providing the general
9 assembly with an analysis and recommendations of current
10 criminal code provisions and proposed legislation regarding
11 potential disparity in law enforcement activities and the
12 delivery of law enforcement services; studying and making
13 recommendations for eliminating disparity in law enforcement
14 activities and the delivery of law enforcement services; and
15 recommending to the department of human services the adoption
16 of rules pursuant to Code chapter 17A for the collection,
17 compilation, and reporting of stop data.

18 DRIVER'S LICENSE AND NONOPERATOR IDENTIFICATION CARDS
19 APPLICATIONS — RACE AND ETHNICITY. The bill provides that
20 a person applying for a driver's license or a nonoperator's
21 identification card will be requested by the department of
22 transportation to specify the person's race or ethnicity.
23 The bill requires the department to make an annual report
24 to the general assembly regarding the number of persons
25 who have disclosed and specified a race or ethnicity. Race
26 and ethnicity information shall only be released to a law
27 enforcement officer, an employee of a law enforcement agency,
28 the justice and community policing advisory board, the state
29 court administrator, and the division of criminal and juvenile
30 justice planning of the department of human rights.

31 ACTS CONTROLLED ON FULLY CONTROLLED-ACCESS FACILITIES. The
32 bill provides that it is unlawful for a person to operate a
33 bicycle, skateboard, or other pedestrian conveyance or be a
34 pedestrian anywhere on a fully controlled-access facility. A
35 violation is punishable as a scheduled operating violation

1 under Code section 805.8A. The fine for a violation is \$135.

2 COUNTY RECORDER FILING FEE. The bill provides that a
3 county recorder shall collect an additional fee of \$1 for
4 each recorded transaction for which a fee is paid under Code
5 section 331.604(1), which may be used for implementing and
6 maintaining a process for redacting the names of any state or
7 federal judicial officer, state or federal prosecutor, or law
8 enforcement officer contained in electronic documents that are
9 displayed for public access through an internet site.

10 COMMUNICATIONS IN PROFESSIONAL CONFIDENCE. The bill
11 provides that a peer support group counselor who obtains
12 information from an officer or a civilian employee of a law
13 enforcement agency or fire department shall not be allowed, in
14 giving testimony, to disclose any confidential communication
15 properly entrusted to the counselor by the officer or civilian
16 employee while receiving counseling. The officer or civilian
17 employee may consent to the disclosure.

18 ASSAULTS. The bill adds intentionally pointing a laser
19 emitting a visible light beam at another person with the
20 intent to cause pain or injury to another to the definition of
21 assault. This definition does not apply to a law enforcement
22 officer who uses a laser in discharging or attempting to
23 discharge the officer's official duties, to a health care
24 professional who uses a laser in providing services or to any
25 other person who is licensed or authorized by law to use a
26 laser or uses it in the performance of the person's official
27 duties, or to a person who uses a laser to play tag, paintball,
28 and other similar games using light-emitting diode technology.

29 The bill amends Code section 708.3A relating to assaults
30 on persons engaged in certain occupations by adding a civil
31 employee of a law enforcement agency and a civil employee of
32 a fire department to the list of persons engaged in certain
33 occupations against whom an assault is committed and increasing
34 the penalties for violations of the Code section. A person who
35 commits an assault against any of the persons listed in the

1 Code section with the intent to inflict a serious injury, or
2 who uses or displays a dangerous weapon in connection with the
3 assault, commits a class "C" felony; a person who commits an
4 assault against any of the persons listed in the Code section
5 who uses or displays a dangerous weapon in connection with the
6 assault commits a class "C" felony; a person who commits an
7 assault which causes bodily injury or mental illness commits a
8 class "D" felony, with a mandatory minimum term of imprisonment
9 of one year; and a person who commits any other assault commits
10 an aggravated misdemeanor.

11 HARASSMENT. The bill provides that a person commits
12 harassment in the first degree when the person commits
13 harassment against another person who is lawfully in a place
14 of public accommodation. Harassment in the first degree is an
15 aggravated misdemeanor.

16 The bill creates new Code section 708.7A relating to
17 bias-motivated harassment of persons engaged in certain
18 occupations. The bill provides that a person commits
19 bias-motivated harassment when such person maliciously, and
20 with the intent to intimidate, annoy, or alarm another person
21 because of that person's actual or perceived employment as a
22 peace officer, civilian employee of a law enforcement agency,
23 jailer, correctional staff, member or employee of the board of
24 parole, health care provider, employee of the department of
25 human services, employee of the department of revenue, fire
26 fighter, whether paid or volunteer, or civilian employee of
27 a fire department causes either death or serious bodily harm
28 to another person, bodily injury, or damage to or destruction
29 of any real or personal property of another person without
30 permission and the amount of damages to the property exceeds
31 \$750 or the value of the property exceeds \$750. A person
32 who commits bias-motivated harassment is guilty of a class
33 "D" felony for causing bodily injury or property damage,
34 and a class "C" felony for causing death or serious bodily
35 harm. Each violation constitutes a separate offense and

1 shall not merge with any other crime. A sentence imposed for
2 bias-motivated harassment shall run consecutive to any sentence
3 for any other offense related to the act or acts establishing
4 an offense of bias-motivated harassment. The court shall order
5 restitution.

6 CRIMINAL MISCHIEF IN THE SECOND DEGREE. The bill provides
7 that acts of a person which damage, deface, alter, or destroy
8 any publicly owned property, including a monument or statue, is
9 criminal mischief in the second degree. Criminal mischief in
10 the second degree is a class "D" felony.

11 RIOT CRIMES. The bill increases the penalty for a riot crime
12 from an aggravated misdemeanor to a class "D" felony.

13 UNLAWFUL ASSEMBLY. The bill increases the penalty for
14 unlawful assembly from a simple misdemeanor to an aggravated
15 misdemeanor.

16 DISORDERLY CONDUCT. Current law provides that all
17 violations of Code section 723.4 (disorderly conduct) are
18 simple misdemeanors. The bill amends Code section 723.4 by
19 providing additional criminal penalties greater than a simple
20 misdemeanor for additional acts of disorderly conduct.

21 The bill provides that a person commits a serious
22 misdemeanor when the person, without lawful authority or
23 color of authority, obstructs or attempts to obstruct any
24 street, sidewalk, highway, or other public way, or obstructs or
25 attempts to obstruct any business, business drive, parking lot,
26 or business access, with the intent to prevent or hinder its
27 lawful use by others.

28 The bill provides that a person commits an aggravated
29 misdemeanor when the person, without lawful authority or color
30 of authority, obstructs any street, sidewalk, highway, or other
31 public way with the intent to prevent or hinder its lawful use
32 by others and does any of the following: obstructs or attempts
33 to obstruct a fully controlled-access facility or a highway,
34 street, or road in which a speed restriction is controlled
35 under Code section 321.285(3) or (5); commits property damage;

1 or is present during an unlawful assembly, as defined in Code
2 section 723.2.

3 The bill provides that a person commits a class "D"
4 felony when the person, without lawful authority or color of
5 authority, obstructs any street, sidewalk, highway, or other
6 public way with the intent to prevent or hinder its lawful use
7 by others and is present during a riot, as defined in Code
8 section 723.1; or causes bodily injury.

9 The bill provides that a person commits a class "C"
10 felony when the person, without lawful authority or color of
11 authority, obstructs any street, sidewalk, highway, or other
12 public way with the intent to prevent its unlawful use by
13 others and serious injury or death results.

14 ARREST BY WARRANT — CERTAIN CRIMES — HOLDING PERIOD. The
15 bill provides that a defendant arrested for criminal mischief
16 in the second degree for an act that damages, defaces, alters,
17 or destroys any publicly owned property including a monument or
18 statue; for rioting; unlawful assembly; or disorderly conduct
19 shall not be released within 24 hours of the time of arrest.
20 The court may release the defendant in less than 24 hours if
21 the court finds that the defendant is not likely to immediately
22 resume the criminal behavior based on the circumstances of the
23 arrest and the defendant's criminal history. Court findings
24 shall be in writing and shall be attached to the warrant.

25 PENALTY PROVISIONS. A class "C" felony is punishable
26 by confinement for no more than 10 years and a fine of at
27 least \$1,370 but not more than \$13,660. A class "D" felony
28 is punishable by confinement for no more than five years
29 and a fine of at least \$1,025 but not more than \$10,245. An
30 aggravated misdemeanor is punishable by confinement for no more
31 than two years and a fine of at least \$855 but not more than
32 \$8,540. A serious misdemeanor is punishable by confinement for
33 no more than one year and a fine of at least \$430 but not more
34 than \$2,560.