

Iowa Legislative Report
Iowa State Police Association
89th General Assembly, 2021 Session
Week 6: February 19, 2021
Fitzgerald, Smith & Associates, Lobbyists

Week 6 of the 2021 Legislative session proved to be another busy one. Dozens of subcommittees were held each day with many of them moving through full committee as well. The first funnel deadline is in two weeks so we should start to see a slowdown of bills being drafted moving forward. Also, last Friday was the final day for lawmakers to request their own bills, meaning the final round of individually sponsored legislation is over. From now on only leadership and committee chairs will be permitted to introduce new legislation this session.

As the first funnel deadline approaches, we see legislation gaining or losing momentum. Vote counts are done in the majority caucuses determining which bills move forward or die from lack of support. Nearly all our monitored and supported bills have already made it out of full committee putting us in a great position moving into funnel week. The few bills that we have registered against are still live rounds and we will continue to work against them up until the funnel deadline.

The 411 bill did not make it to the House floor for debate this week but that shouldn't be a cause for concern. Rep Kauffman continues to work with his Senate colleagues to iron out issues and concerns. We are hopeful these issues can get worked out prior to the House passing it to the Senate for consideration. We also continue to work with Representative Klein on the House version of Back the Blue. We are seeing progress and are hopeful to have this language drafted soon.

As we move through the 2021 legislative session, please feel free to contact us if you would like additional information on a specific bill or any other questions you may have.

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Name	Bill Number	Sponsor	Title	Bill Status	ISPA Position
Brady List Study	SF 342	Zaun (R)	Prohibits disciplining officers based on the inclusion on a Brady list, but allows discipline for the underlying actions. Defines such a list (a list by the county attorney of officers who may have impeached themselves during testimony or failed to turn over evidence). Establishes an interim study on the disclosure of officer personnel files related to a Brady list and to study implementing such a list statewide, to identify impartial entities to conduct investigations and for other matters. Sets the membership and reporting requirements. Includes police and other law enforcement officers, fire fighters, EMS workers, correction officers and others. Sets the membership and reporting requirements.	Passed Senate Committee	Undecided
Carrying on School Grounds	SF 174	Dawson (R)	Allows a peace officer or reserve peace officer, whether certified or not, and federal peace officers whose duties include carrying a gun, to carry a gun on school grounds, whether the officer is in performance of official duties or not.	Passed Senate Committee	Support
HumanTrafficking Offenses	HF 452	Jones (R)	Licenses: Requires a license massage therapist or cosmologist to show a copy of a valid license and a government ID when requested by a peace officer to do so. Makes it a serious misdemeanor for an unlicensed person to use a massage therapist or cosmologist title. Human Trafficking: Makes it an aggravated misdemeanor to supply a person with a fraudulent license or ID and a Class D felony if the person using the credentials is under 18. Deems these offenses to be human trafficking. Prohibits persons convicted for these offenses from being a licensed massage therapist or cosmologist for five years. Makes it a class D felony for a person to knowingly rent property for human trafficking use. Establishes an affirmative defense if the person notifies law enforcement on gaining knowledge of the situation and cooperates with law enforcement. Allows a court to order restorative expenses for a human trafficking victim for up to 10 years.	Passed House Committee	Undecided

			Deems such expenses to be non-dischargeable in bankruptcy		
Emergency Vehical Lights	SF 331	Cournoyer (R)	Allows emergency vehicles to be fitted with a variety of lighting devices and colors. Prohibits towing trucks from having red and blue lights and a siren.	Passed Senate Committee	Support
Emergency Vehical Use	SF 333	Cournoyer (R)	Allows the driver of an emergency vehicle disobey certain traffic laws in the pursuit of a perpetrator who has committed a misdemeanor. Allows drivers of fire and EMS vehicles, and police officers on bikes, to go through red lights or stop signs without stopping. Allows an ambulance to transport a patient at speeds over the speed limit without using a siren or lights in specific circumstances. Authorizes certain pursuit techniques by police. Includes provisions on parades and funeral processions. Includes provisions on the use of air horns and on authorizing emergency vehicles. Includes immunity provisions. Effective on enactment.	Passed Senate Committee	Support
411 Benefits	HF 417	Kaufmann (R)	Defines an ordinary disability beneficiary as a member retired for less than five years. Makes other definitions. Accidental benefits: Allows an ordinary disability beneficiary to apply for an accidental disability benefit. Includes provisions on determination of payouts. Makes a person who is otherwise eligible for disability benefits ineligible if the person is fired for certain reasons. Rates: Increases the employee contribution to 9.55%. Hospitalization: Requires cities to continue to offer hospitalization and medical benefits for injuries received on duty to members who are receiving disability benefits. Exempts the member from various costs. Requires actions to require the city to pay to begin with two of the date the city denied a claim. Disease: Requires a fire fighter or police officer to be granted a leave without loss of pay if the person has been exposed to an infectious disease.	Passed House Committee	Support
Public Saftey Equipment	HF 300	Worthan(R)	Establishes a Public Safety Equipment Fund. Includes reporting requirements for how DPS uses the funds to purchase equipment. Requires treasurers to ask persons renewing their vehicle registration if the person wants to contribute to the fund. Allows the treasurer to keep 5% of the donations. Effective January 2022.	Passed House Sub Committee	Undecided

Distracted Driving	HF 380	Gerhold (R)	Requires that driver's education classes include provisions on distracted driving.	Passed House	Support
Distracted Driving	SF 317	Lofgren (R)	Requires that driver's education classes include provisions on distracted driving.	Passed Senate Committee	Support
State Patrol Surcharge	SF 101	Shipley (R)	Establishes a \$2 surcharge for vehicle and trailer registration to be used by the State Patrol for equipment, vehicles and training related to highway operations.	Passed Senate Sub Committee	
Cold Case Unit	HF 312	Wheeler (R)	Establishes a cold case investigation unit in the DPS. Requires the Public Safety Commissioner to appoint two members to the unit. Charges the unit with investigating unsolved murders and missing person cases.	Passed House Committee	Undecided
Electronic Device Use	HF 392	A Meyer (R)	Prohibits any use of an electronic communications device while driving. Includes exemptions for hands-free devices and public safety/health/emergency workers. Requires that warning citations be issued until January 2022. Raises the fines for violations. Makes corresponding changes in other traffic/criminal offenses.	Passed House Committee	Support
Electronic Device Use	SF 330	Lofgren (R) Whiting (R)	Prohibits any use of an electronic communications device while driving. Includes exemptions for hands-free devices and public safety/health/emergency workers. Requires that warning citations be issued until January 2022. Raises the fines for violations. Makes corresponding changes in other traffic/criminal offenses.	Passed Senate Committee	Support
Local Information	HSB 115	Paustian (R)	Allows specified people (judges, prosecutors, law enforcement officers, or spouse or child) may file a written request with various local officials (auditors, treasurers, recorders, assessors) to keep the general public from accessing the person's residential information or phone number on internet sites for public records. Makes it an aggravated misdemeanor for a local official to knowingly publicize such information that has been removed from the internet by request.	Passed House Sub Committee	Support
Officer Discipline	HSB 117	Andrews (R)	Prohibits disciplining officers solely due to a prosecutor determining exculpatory evidence exists in regards to the officer. Allows a law enforcement agency to discipline an officer to actions that resulted in the withholding of exculpatory evidence. Requires actions by the law enforcement agency to conform to any CBA. Repealed as of July 2022.		Undecided

Window Tinting	HF 531	Cisneros (R)	Allows a person to have windows tinted to 35% transparency. Requires the person to apply to DOT and to pay a \$55 fee. Requires the higher tint level for the vehicle to be noted in law enforcement databases. Requires the portion of the fee paid to local governments to be used for law enforcement training and equipment. Requires the driver to lower the window when stopped before the officer approaches and to keep the window lowered for the traffic stop.	No Sub Committee Set	Against
Window Tinting	SF 332	Edler (R)	Allows a person to have windows tinted to 35% transparency. Requires the person to apply to DOT and to pay a \$55 fee. Requires the higher tint level for the vehicle to be noted in law enforcement databases. Requires the portion of the fee paid to local governments to be used for law enforcement training and equipment. Requires the driver to lower the window when stopped before the officer approaches and to keep the window lowered for the traffic stop.	Passed Senate Committee	Against
Sex Offender Registry	HSB 88	Westrich (R)	An Act relating to the requirements for a sex offender to be granted a modification of sex offender registry requirements.	Passed House Committee	
Sex Offender Registry	SSB 1100	Johnson (R)	An Act relating to the requirements for a sex offender to be granted a modification of sex offender registry requirements.	No Sub Committee Set	
"Back the Blue"	SSB 1140	Dawson (R)	Funding: Makes a local government ineligible for state funding, or federal grants through the state, if it reduces the budget for law enforcement, unless this is part of a budget-wide cut or the local government can show sufficient justification for the reduction. Includes specific justifications. CBA: Deems a Regent police officer to be a public safety officer for collective bargaining. Allows public safety employees to form a new union if the officers make less than 30% of the union. Injuries: Allows an officer who is injured on the line of duty to file a civil action against the person who caused the injury, or against a person who filed a false report. Allows damages, court costs and reasonable attorney fees. Profiling: Creates a Code chapter on racial/ethnic profiling by law enforcement. Prohibits disparate treatment by police, including ethnic and racial profiling. Defines disparate treatment and protects various personal characteristics (race, creed color, origin, ethnicity, gender identity, sexual		Against

orientation, disability). Requires data collection for traffic stops and specifies data to be collected. Requires the CJP to develop a uniform manner of reporting by law enforcement and requires the CJP to analyze and publish the data. Makes definitions. Requires law enforcement to investigate all violations of disparate treatment. Community Board: Changes the name of the Justice Advisory Board to the Justice & Community Policing Advisory Board and increases the membership and duties. Requires the board to make recommendations about disparate treatment. Facility Access: Makes it a scheduled fine of \$135 for a person to ride a bike or skateboard, or similar conveyance, in a fully controlled-access facility. Redaction Fee: Raises the fee for recording transactions in a county by \$1 and scoops the money for redactions of information about police, judges and prosecutors in documents. Peer Counseling: Includes the communications between civilian employees of a law enforcement agency or fire department and a peer counselor in the confidentiality protections for communications with those counselors. Lasers: Defines pointing a laser at someone with the intent to cause or injure the person an assault. Makes exceptions for law enforcement, medical personnel and laser tag. Crimes: Makes bias-motivated harassment of a law enforcement officer, prison or jail employer, fire fighters, and similar employees a Class D or Class C felony, depending on damages and injuries. Creates 2nd degree criminal mischief and makes it a Class D felony. Makes rioting a Class D felony. Makes unlawful assembly an aggravated misdemeanor. Establishes disorderly conduct offenses ranging from a serious misdemeanor to a Class C felony for blocking roads, streets or sidewalks, depending on circumstances, damages and injuries. Requires a person arrested for criminal mischief to be held for at least 24 hours. Requires the court to make written findings that the defendant is not likely to resume the criminal behavior causing the arrest if released. (Governor)

Qualified Ammunity	<u>SSB 1178</u>	Cournoyer (R)	An Act relating to qualified immunity of law enforcement officers, the peace officer, public safety, and emergency personnel bill of rights, and protected information of law enforcement officers and state or federal judicial officers and prosecutors.		
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