

## **Judiciary Committee – All-Bill Summary 2021**

STAFF CONTACT: Cathy Engel

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### **[SJR 7](#) – Proposed Firearms Constitutional Amendment**

**[SJR 7](#)** - Iowa’s Constitution currently does not include language on the right to possess arms. **[SJR 7](#)** proposes an amendment to the Iowa Constitution conferring the right of the people to keep and bear arms. It is not identical to the 2nd Amendment to the U.S. Constitution. Here is the exact language of the proposed amendment:

“Right to keep and bear arms. Sec. IA. The right of the people to keep and bear arms will not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right will be subject to strict scrutiny.”

Strict scrutiny, which is required in [SJR 7](#), is the highest standard of judicial review in U.S. courts. This standard starts with the presumption that a law or government action is unconstitutional. The U.S. Supreme Court generally reserves strict scrutiny standards for fundamental rights, either those included in the Bill of Rights or as part of the “liberty clause” of the 14th Amendment on due process. Strict scrutiny also is used for certain classes of people that deserve the highest level of protection, such as restrictions based on race, national origin, religion and alienage.

The strict scrutiny test generally requires three elements:

- It must be a compelling government interest.
- The government action must be narrowly tailored to meet that interest.
- The government action must be the least restrictive means for meeting that interest

Article X of the Iowa Constitution requires any proposed Constitutional amendment to pass two consecutive General Assemblies and then be submitted to a vote of the people. This proposed Constitutional amendment has now successfully passed two General Assemblies. The next step is a vote of the people at the next General Election. [1/28: 29-18, party line (Absent: Brown, Nunn; 1 vacancy)]

#### **[SF 172](#) – Definition of Sex Act**

[SF 172](#) expands the definition of sex act or sexual activity in the criminal code. The bill adds body parts that can be used in a sex act. Under the bill, the definition of a sex act will include contact between any body part of one person and the genitalia or anus of another person.

The bill also adds a new paragraph to the definition of sex act to include: “The touching of a person’s own genitals or anus with a finger, hand, artificial sexual organ or other similar device at the direction of another person.”

For a “sex act” or “sexual activity” to be defined as sexual abuse that is criminal in nature, for example, the act must be performed under these circumstances:

- The act is done by force or against the will of the other person. If the consent of the other person is obtained by threat of violence or the act is done under the influence of a sleep-inducing drug or otherwise occurs in a state of unconsciousness, or the act is done against the will of another individual.
- The other individual involved is suffering from a mental defect or incapacity that precludes giving consent, or lacks the mental capacity to know right and wrong conduct in sexual matters.
- The other individual involved is a child.

[2/3: 46-0 (Excused: Hogg, Lykam, Nunn; 1 vacancy)]

#### **[SF 173](#) – Certifications of Trust**

[SF 173](#) comes from the Iowa State Bar Association Probate and Trust Law Section. In 2019, legislation allowing one trustee to provide a certification of trust was enacted. Previous law required all trustees to provide certification if there was more than one trustee. A certification of trust is a document provided to a third party whereby a trustee or trustees verify a trust’s existence and the authority to act on behalf of the trust. This is in lieu of a third party requiring to see the entire trust document.

Since passage of that legislation, it has been discovered that the process for certification needs fixes. This bill achieves those fixes by:

- Requiring that a certification of trust give the names of all currently acting trustees, and if there is more than one currently acting trustee, it must state whether a trustee may act individually, by a majority decision or a unanimous decision.
- Adding the option that a certification of trust be dated and certified under penalty of perjury. The current requirement for certification is that it be subscribed and sworn to under penalty of perjury before a notary public. Either method would be allowed under this bill.
- Stating that if abatement of trust assets is necessary to pay debts, taxes, etc., the share of a surviving spouse who does not take the elective share must be abated last.  
[2/3: 46-0 (Excused: Hogg, Lykam, Nunn; 1 vacancy)]

### **SF 235 – Claims in Probate**

**SF 235** relates to claims made against an estate in probate. When an individual dies and the estate goes through probate for ultimate distribution, those who believe the deceased owed them money can file a claim against the assets in the estate. The bill:

- Does away with the requirement that a claimant mail a copy of a request for a hearing on a claim against the estate to the personal representative and the attorney of record by certified mail. Since court files are electronic, the claimant will file a request with the clerk on the electronic data management system.
- Removes the requirement that the Notice of Disallowance of a Claim include language regarding a requirement to mail a copy of a request for a hearing to the personal representative and the attorney for the estate, if any.
- Allows the probate court to hear claims up to \$6,500. Previously, if a claim in probate exceeded \$300, either party could demand a jury trial. Now, a party can demand a jury trial for a claim in probate if the amount in contention exceeds \$6,500. The court may submit the matter to a jury for amounts less than \$6,500.
- Allows a judgment against any interested party to be deducted from what the estate owes the interested party.  
[2/9: 48-0 (Excused: Hogg, Nunn)]

### **SF 239 – Causes of Action that Survive a Person’s Death**

**SF 239** provides that when a cause of action survives a deceased person and such action is allowed to be continued, the court will appoint a personal representative for the deceased as defined in the probate code, or a successor as provided for in 633.356, relating to small estates and distribution by affidavit.

[2/9: 48-0 (Excused: Hogg, Nunn)]

### **SF 240 –Uniform Custodial Trust Act**

**SF 240** creates the Iowa Uniform Custodial Trust Act, which establishes a statutory framework for a simple trust by allowing any kind of property (real or personal, tangible or intangible) to be made the subject of a transfer to a custodial trustee for the benefit of the beneficiary. This will be a trust option for lowans who don’t have a lot of assets but may need a trustee to oversee them.

[2/9: 48-0 (Excused: Hogg, Nunn)]

### **SF 243 – Crimes of Failure to Assist, Abuse of a Corpse, and Interference with Official Acts**

**SF 243** is in response to the tragic drowning death of Noah Herring at the Coralville Reservoir in 2020. The bill:

- Expands the definition of “abuse of a corpse” by adding that failure to disclose the known location of a corpse with the intent to conceal a crime is considered abuse of a corpse.
- Makes it a crime of “interference with official acts” when to knowingly resist or obstruct a medical examiner in the performance of their duties.
- Creates the crime of “failure to assist.” Failure to assist occurs when “A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death fails to contact local law enforcement or local emergency response authorities if the person is able to and, if so doing the person or any other person are not at risk of serious bodily injury or imminent danger of death.” There is no requirement to contact law enforcement or emergency response if the person knows or reasonably believes that the other

person is not in need of assistance. Failure to assist is a simple misdemeanor if the other person suffers serious bodily injury. It is an aggravated misdemeanor if the other person dies.

[5/17: 45-0 (Absent: Goodwin, Johnson, Nunn, Schultz, Williams)]

### **SF 253 – Second Degree Sex Abuse**

**SF 253** provides that when the victim of sex abuse is under 14, the perpetrator can be charged with sex abuse in the second degree. Previously, when a victim was under 12, it was 2<sup>nd</sup> degree sex abuse, a class “B” felony. Previously, if the victim was 12 or 13, it was sex abuse in the 3<sup>rd</sup> degree, a class “C” felony.

[2/9: 48-0 (Excused: Hogg, Nunn)]

### **SF 342 – Law Enforcement Omnibus bill, including enhanced penalties for protestors**

**SF 342** has 14 Divisions comprised of 56 sections relating to a variety of laws regarding law enforcement, protestors, workers compensation benefits and other policy issues.

#### **Division I: - Confidentiality**

Sections 1-5: Expands the Address Confidentiality Program

- Allows victims of assault to participate in the address confidentiality program under the Secretary of State.
- Allows active or retired state or local judicial officers, federal judges, their spouses or children to participate in the address confidentiality program.
- Allows an active or retired state or local prosecuting attorney, their spouse or child to participate.
- Allows active or retired peace officers, civilian employees of a law enforcement agency or their spouses or children to participate in the address confidentiality program.
- Provides that an address confidentiality program participant may request that the county assessor redact their name from electronic documents available to the public on the assessor’s website at no cost.

Section 6: It is not a violation of the open records chapter if a person has good reason to believe they acted in compliance with the open records law. Good reason and good faith are present if a person incorrectly balanced the right of the public to receive public records against the rights and obligations of a government body to maintain confidential records under any court-created balancing test, unless the person is unable to articulate a reasonable basis for their “balancing.” No damages, costs or fees will be awarded.

Section 7: Peace officers, civilian law enforcement employees, state or federal judicial officers or prosecutors can have their names redacted at no cost from the county assessors’ and county recorders’ publicly available Internet sites. Former peace officers and former civilian employees may request to have their names redacted upon evidence of a compelling safety interest.

Section 8: A peer support group counselor or individual present for a group crisis intervention who obtains information from an officer or a civilian employee of a law enforcement agency or fire department cannot disclose any confidential communication when giving testimony. However, the officer or civilian employee may consent to the disclosure. If the counselor or group crisis intervention individual was an initial responding officer, a witness or party to the incident, the prohibition does not apply.

#### **Division II: Uniform Commercial Code and Fraudulent Filings**

Sections 9-11: Creates a process to address and remove Uniform Commercial Code filings intended to harass or defraud. It will be a crime when a person intentionally makes a fraudulent UCC filing with the intent to harass or defraud.

#### **Division III: Qualified Immunity – Effective Upon Enactment**

Sections 12-16: A state or local government employee is not liable for monetary damages for a tort under these circumstances:

- The right, privilege or immunity secured by the law was not clearly established at the time of the alleged deprivation, or a reasonable employee would not believe it was sufficiently clear.
- The alleged conduct was consistent with the law, per a court decision.
- Neither state nor local government will be liable for a claim if the employee is protected by qualified immunity.
- Any court decision denying qualified immunity will be immediately appealable.

#### **Division IV: Peace Officers' Bill of Rights**

##### Sections 17-22:

- A peace officer will be immediately notified in writing of the results of a formal administrative investigation.
- If a complaint against an officer alleges workplace harassment, the officer will only receive a written summary of the complaint. Previously, an officer received a written summary if the complaint alleged domestic abuse, sexual abuse or sexual harassment.
- An officer has the right to legal counsel during hearings or other disciplinary or administrative proceedings relating to the complaint, in addition to the assistance of legal counsel during the interview of the officer.
- Information received from the officer by the officer's legal counsel, union representative or employee representative is privileged, and legal counsel may coordinate and communicate in confidence with the officer's designated union representative or employee representative.
- If a formal investigation results in discipline, witness statements and the complete investigative agency's report must be provided to the officer upon request when the investigation is complete.
- An officer has the right to sue for damages for the filing of a false complaint or for any other violation of the Peace Officer's Bill of Rights. Damages can include court costs and reasonable attorney fees.
- The officer's personal information is confidential and will be redacted from records prior to public release.
- The officer's employer must keep confidential an officer's statement, recordings, or transcripts of any interview or disciplinary proceedings and any complaint made against an officer, unless otherwise provided by law or if the officer consents to release.
- Any agency employing full-time or part-time officers must provide training to any officer or supervisor who performs or supervises an investigation under this section. The Iowa Law Enforcement Academy will adopt minimum training standards.
- The employer must provide to a requesting officer or the officer's legal counsel a copy of the officer's personnel file and training records.

#### **Division V – Officer Disciplinary Actions**

##### Sections 20-21:

- An officer will not be disciplined or discharged by state, county or municipal law enforcement solely due to a prosecutor's determination or disclosure that exculpatory evidence exists concerning the officer. However, a law enforcement agency may discipline or dismiss an officer based on the officer's underlying actions.
- Requests the Legislative Council to establish a "Brady-Giglio" list interim committee and recommends members for the committee to study:
  - The disclosure of an officer's personnel files relating to a Brady-Giglio list.
  - Implementing a statewide system for a Brady-Giglio list, how it would be created and the processes for removal from the list, etc.
  - Any other relevant issues.

#### **Division VI – Peace Officer's Health Plan – Effective Upon Enactment**

##### Sections 22-26:

Peace officers employed with the Department of Public Safety who are not covered under a collective bargaining agreement but were at any time eligible to enroll in the group health insurance plan negotiated under Chapter 20 between the state and the State Police Officers Council Labor Union may participate in the union health insurance plan. In addition, a manager or supervisor who was previously covered under the collective bargaining agreement will not lose group health insurance benefits as provided by the agreement. A retiring peace officer participating in the group health

insurance plan may continue participation in the group plan after retirement. Any savings realized from peace officers participating in the negotiated group plan will be retained by the Department of Public Safety.

In addition, Natural Resource officers not covered under a collective bargaining agreement but who were at any time eligible to be enrolled in the group health insurance plan negotiated under chapter 20 will be permitted to participate in the group health insurance plan negotiated under Chapter 20. Managers and supervisors no longer covered by the collective bargaining agreement will not lose group health insurance benefits as provided by the agreement. Retirees will have the option to continue participation in the group health insurance plan offered by the state. Savings calculated by the Department of Natural Resources are to be transferred to the state fish and game protection fund.

### **Division VII – Workers’ Compensation Disability Medical Benefits**

Sections 27,28, 29:

Relating to Peace Officers Retirement System and IPERS: Any workers compensation benefit for past medical expenses or future medical expenses will not be offset against and not considered payable in lieu of any retirement allowance on account of the same disability. Any workers comp benefits for reimbursement of vacation or sick time or unpaid time off will not be payable in lieu of any retirement allowance.

Relating to IPERS: An employer must provide reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance and hospital services and supplies for a member who is injured in the line of duty and is receiving an in-service disability retirement allowance.

### **Division VIII: Enforcement of Laws – Peace Officers Carrying Firearms**

Sections 30-36: Prohibit a local entity from adopting or enforcing a policy or taking any other action that prohibits or discourages the enforcement of state, local or municipal laws.

Local entities cannot consider race, skin color, language spoken or national origin while enforcing state, local and municipal laws, except to the extent permitted by the U.S. or Iowa constitutions.

Those who believe a local entity has violated this chapter may file a complaint with the Attorney General. If the Attorney General determines a complaint is valid, he will notify the local entity, and may file a civil action to stop the behavior.

A local entity will be denied state funds for the fiscal year after a final judicial determination is made and a local entity will continue to be denied state funds until eligibility is reinstated. This will not apply to state funds for wearable body protective gear for law enforcement. The Department of Management will write rules to implement these sections.

Section 37: A peace officer cannot be prohibited from carrying a firearm while performing official duties.

### **Division IX: Assaults involving lasers, assaults upon certain classes of people, harassment, criminal mischief. This Division is effective upon enactment.**

Sections 39: Pointing a laser at someone with the intent to cause pain or injury is added to the definition of assault. This doesn’t apply to an officer discharging duties, a health care professional providing professional services, or laser tag.

Section 40: Adds civilian employees of a law enforcement agency or fire department to the list of individuals who, when assaulted, the penalty for a defendant is enhanced.

Section 41: Adds that a person commits harassment in the first degree (aggravated misdemeanor) when that harassment occurs against another person who is lawfully in a place of public accommodation.

Section 42: It will be criminal mischief in the 2nd degree, a “D” felony, when a person damages publicly owned property.

**Division X: Public Disorder. This Division is effective upon enactment.**

Section 44: The penalty for rioting is increased from an aggravated misdemeanor to a class “D” felony.

Section 45: Increases the penalty for unlawful assembly from a simple misdemeanor to an aggravated misdemeanor and adds that it’s unlawful assembly if a person joins a lawful assembly but remains after the assembly becomes unlawful.

Section 46: Adds to the disorderly conduct Code section:

- It will be an aggravated misdemeanor for disorderly conduct if, while obstructing any street, sidewalk, highway or other public way intending to prohibit others from using them, a person obstructs or attempts to obstruct a fully controlled-access facility on a highway, street or road with specific speed restrictions; commits property damage; or is present during an unlawful assembly.
- It will be a “D” felony for disorderly conduct if, while obstructing any street, sidewalk, etc., a person is present during a riot, or causes bodily injury.
- It will be a “C” felony disorderly conduct if, while obstructing any street, sidewalk, etc., a person causes serious bodily injury or death.

Section 47: Creates the new crime of “Interference with Public Disorder Control.” When any person possesses a tool, instrument or device with the intent to suppress or disrupt law enforcement from legal deployment of a device to control public disorder, that person commits an aggravated misdemeanor.

**Division XI – Eluding Law Enforcement, Acts on Highways, Civil Liability – Effective upon enactment.**

Section 49: Adds that not stopping for an unmarked law enforcement vehicle driven by an officer, who doesn’t have to be in uniform, constitutes eluding.

Section 50: Prohibits operating a bicycle, skateboard, or other pedestrian conveyance or the presence of a pedestrian on a fully controlled-access facility. A violation will result in a ticket.

Section 51: A driver exercising due care who injures another person participating in a protest, demonstration, riot or unlawful assembly, or who is blocking traffic in a public street or highway, is immune from civil liability. If the driver is reckless or willful, there is no civil immunity. If the protest was conducted pursuant to a valid permit, there is no immunity for the driver.

**Division XII: Window Tinting**

Section 53: The prohibition against vehicle window tinting does not apply to a person who operates a motor vehicle owned or leased by any law enforcement agency if operating the vehicle is part of the person’s official duties.

**Division XIII: Sheriff Salaries**

Section 54: Requires a county compensation board to set the sheriff’s salary so that it is comparable to salaries paid to professional law enforcement administrators and command officers of the state patrol and DCI and police chiefs employed by cities of similar population.

**Division XIV – Civil Service Commission Examinations**

Sections 55-56: These sections require a city’s civil service commission to hire people with expertise to prepare and administer the original and promotional examinations approved by the commission. Previously, a commission could prepare and administer the examinations or hire experts.

[5/17: 27-18, party-line (Absent: Goodwin, Johnson, Nunn, Schultz, Williams)]

**SF 343 - Access to certain confidential records**

[\*\*SF 343\*\*](#) is a fix to ensure that Department of Corrections staff, Community Based Corrections staff and Board of Parole staff have statutory authorization to access confidential information regarding offenders.

The bill provides that employees of the Department of Corrections and employees of the Judicial Community Based Corrections Districts have access to confidential information when authorized by the respective directors. This includes:

- Substance abuse diagnosis and treatment commitment information records
- Mental health information
- Confidential arrest warrant information
- Presentence investigation reports

Employees of the Board of Parole also will have access to pre-sentence investigation reports when authorized by the chair or a member of the board.

[2/17: 48-0 (Excused: Hogg, Nunn)]

### [\*\*SF 357 – Juvenile Detention\*\*](#)

[\*\*SF 357\*\*](#) comes from the Division of Criminal and Juvenile Justice Planning (CJJP) of the Iowa Department of Human Rights. The Division monitors juvenile detention facilities relating to the Juvenile Justice Delinquency Prevention Act, which was reauthorized in 2018. The federal law includes a new provision that prohibits states from placing a youth being prosecuted as an adult in an adult jail. This bill brings Iowa into compliance with the federal law.

- A judge or magistrate may authorize detention in an adult facility for six to 24 hours only if the facility serves a geographic area outside the standard metropolitan statistical area as determined by the U.S. Office of Management and Budget.
- A child charged in adult court will not be detained in an adult detention facility unless the court determines in writing after a hearing that it is in the best interest of the child and the community, considering:
  - The age of the child
  - The child’s physical and mental maturity
  - Present mental state of the child, including whether the child is at risk of harming themselves
  - Nature and circumstances of the alleged act
  - Prior delinquent acts
  - Availability of facilities to meet their needs, and protect the community and other detained children
  - Any other relevant factor
- If it is best for the child to be held in an adult facility, the following must apply:
  - Child will not have sight or sound contact with adult inmates
  - The court will hold a hearing at least once every 30 days, or every 45 days in a rural area, to review whether it remains in the best interest of the child and the community
  - A child will not be detained in an adult facility for more than 180 days except for good cause or the child waives the limitation.

[3/10: 48-0 (Absent: Hogg, Nunn)]

### [\*\*SF 387 – Iowa Law Enforcement Academy and Veterans Educational Assistance Benefits\*\*](#)

[\*\*SF 387\*\*](#) requires the Iowa Law Enforcement Academy to amend its administrative rules to ensure its courses of study and training programs meet the requirements of nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008, and apply to the Iowa Department of Education for approval. This would entitle certain service members and veterans to use funds appropriated under this Act to help with the tuition and costs of attending ILEA.

Previously, the agency hiring a law enforcement officer, the officer and the state each paid one-third of the cost of attending, with the law enforcement agency often paying two-thirds of the cost (covering the officer’s portion).

[2/23: 48-0 (Absent: Shipley, Nunn)]

### [\*\*SF 450 – Dependent Adult Abuse Causing Death\*\*](#)



**SF 450** creates a penalty of 2<sup>nd</sup> degree murder when a caretaker intentionally or recklessly commits dependent adult abuse that results in death.

[3/17: 47-0 (Absent: Hogg, Goodwin, Nunn)]

#### **SF 562 – Sexual exploitation by an adult providing training or instruction**

**SF 562** adds an “adult providing training or instruction” to those who can be charged with sexual abuse or sexual exploitation under 614.1, sexual exploitation by a counselor, therapist or school employee. The legislation applies to any non-school employee 18 or older who provides paid training or instruction to a minor and is at least four years older than the minor. The charge only applies to an offense that occurs within the time the adult was received payment for the training or instruction and up to 30 days after.

It will be sexual exploitation by an adult who provides paid training or instruction if there is a pattern or practice or scheme of conduct or any sexual conduct with a minor to arouse or satisfy the sexual desires of the adult or the minor.

Sexual conduct includes:

- Kissing
- Touching of the clothed or unclothed inner thigh, breast, buttock, anus, pubes or genitals
- A sex act as defined in Code section 702.17

If the adult engages in a pattern or practice or scheme to engage in any of the conduct described in the bill, the violation is a “D” felony. If the adult engages in any of the conduct with the minor, the violation is an aggravated misdemeanor.

The bill also removes the criminal statute of limitations relating to sex abuse of a minor and other sex crimes against minors. The previous statute for most sex crimes against minors was 15 years after the minor turns 18.

[4/28: 48-0 (Absent: Nunn, Schultz)]

#### **HF 201 – Sex Offender Registry requirements and sexually motivated extortion**

**HF 201** relates to the sex offender registration. The bill:

- Makes sexually motivated extortion a Tier III sex offense. The determination of “sexually motivated” is made by a jury or the judge.
- Requires a sex offender who is registered in another state but resides, works or attends school in Iowa to register as a sex offender in Iowa under the other state’s duration requirements or under Iowa’s duration requirements, whichever is longer.

[4/28: 47-0 (Absent: Hogg, Nunn, Schultz)]

#### **HF 231 – Special Sentence for Sex Abuse Committed During a Burglary**

**HF 231** is intended to ensure that the sentence for a person who pleads guilty to or is convicted of sex abuse committed during a burglary, a class “B” felony, includes a sex offender special sentence. A special sentence for sex offenders requires that after an individual serves the sentence for the underlying crime, they must be placed on parole for supervision by Community Based Corrections, in this case, for life. The County Attorneys Association believes this crime was intended to be included in the crimes that would require a sex offender special sentence. An example of why this should require a special sentence is that current law requires a special sentence if a person is sexually assaulted outside of their home; therefore, they argue, it should be the same when a person is sexually assaulted inside their home.

[2/17: 49-0 (Excused: Nunn)]

#### **HF 232 – Disorderly Conduct**

**HF 232** requires a person to intentionally or recklessly cause unreasonable distress to the occupants of a residence or building to be guilty of the crime of disorderly conduct. Intent or recklessness was not previously required.

[2/9: 48-0 (Excused: Hogg, Nunn)]

#### **HF 233 – Unauthorized Disclosure of Intimate Images – Civil Damages**

[HF 233](#) creates the “Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act,” which provides a civil cause of action for an individual who has been harmed by the unauthorized and intentional sharing of an intimate image. Many states, including Iowa, have passed criminal laws penalizing unauthorized sharing of such images. This bill provides a remedy that the criminal law does not.

A civil cause of action for damages can be pursued under these circumstances:

- The person disclosing the image knew or acted with reckless disregard because:
  - The depicted individual did not consent to the disclosure
  - The intimate image was private
  - The depicted individual was identifiable
- It is not consent to disclosure if:
  - The depicted individual consented to creation of the image
  - The depicted individual previously consented to disclosure of the image
  - The depicted individual had a reasonable expectation of privacy even if the image was created in a public place
- Exceptions to liability include:
  - In law enforcement
  - A legal proceeding
  - Medical education or treatment
  - Made in good faith in the reporting or investigation of:
    - Unlawful conduct
    - Unsolicited and unwelcome conduct
    - Related to a matter of public concern or public interest
    - Reasonably intended to assist the depicted individual
  - A parent or guardian is not liable for disclosure of the images unless the disclosure of the image is prohibited by law or unless the image was made for inappropriate purposes as listed in the Act.

An action brought under this Act entitles the Plaintiff to exclude or redact from the pleadings any documents with identifying characteristics.

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

### [HF 282](#) – Abuse of a corpse

[HF 282](#) increases the criminal penalty for abuse of a corpse from a “D” felony to a “C” felony. “D” felonies are punishable by up to five years in prison and a fine of \$1,025 to \$10,245. “C” felonies are punishable by up to 10 years in prison and a fine of \$1,375 to \$13,660. A person commits abuse of a human corpse if the person mutilates, disfigures or dismembers a human corpse with the intent to conceal a crime; or hides or buries a human corpse with the intent to conceal a crime.

[4/21: 46-0 (Absent: Nunn, Mathis, Schultz, Whiting)]

### [HF 309](#) – Non-disclosure of personal information of tax-exempt organizations

[HF 309](#) prohibits a public agency from seeking disclosure of personal information from a 501(c) tax-exempt organization that would reveal the identity of a member, supporter, volunteer or donor. Additionally, public agencies cannot request from a current or potential contractor a list of tax-exempt organizations that the contractor has supported.

- Personal information may be disclosed pursuant to a lawful warrant or discovery request when there is a compelling need for the information by clear and convincing evidence.
- Disclosure of personal information is permitted when there is an agreement between an organization and a public agency.
- Personal information is exempt from the definition of public records under Code Chapter 22.
- Those who violate this law are subject to civil and criminal penalties.

[4/13: 45-1 (No: Garrett; Absent: Hogg, Lofgren, Nunn, Rozenboom)]

### [HF 361](#) - Guardians Ad Litem for Certain Child Prosecution Witnesses

[HF 361](#) changes the definition of “child” to include all those under 18. Thus, all child prosecution witnesses in cases involving sex abuse, human trafficking, incest, neglect or abandonment of a dependent person, and child endangerment or sexual exploitation of a minor are entitled to have a guardian ad litem. The GAL must be a practicing attorney and file reports with the court as required.

This bill comes from the County Attorney Association. Members of the Association provided examples of cases in which minor victims aged 14, 15, 16 and 17 had a parent or guardian who did not provide support and were not looking out for the child’s best interests in criminal proceedings.

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

#### [HF 365](#) – Service of Notice of Garnishment

[HF 365](#) allows a sheriff to serve a notice of garnishment by electronic means in addition to the options of personal service, certified mail or first-class mail. The garnishee may return service in the same manner, and is to submit the answers to the notice of garnishment within 21 days of service. This bill comes from the Sheriffs and Deputies Association. When a sheriff sends a notice of garnishment to a garnishee in a different county, the sheriff must notify the sheriff of the garnishee’s county as well.

[4/28: 48-0 (Absent: Nunn, Schultz)]

#### [HF 391](#) – Controlled substances, precursor substances and schedules

[HF 391](#) amends the controlled substances and precursor substances schedules in the Iowa Uniform Controlled Substances Act and precursor substances chapter. The changes conform Iowa law with federal law. The final bill also addresses hemp products that exceed .03% THC by limiting all cannabidiol and hemp products to a maximum of .03%.

[4/21: 46-0 (Absent: Nunn, Mathis, Schultz, Whiting)]

#### [HF 424](#) – Forfeiture of Bail

[HF 424](#) allows a court to set aside a judgment forfeiting a defendant’s bail if, within 150 days from the date of the judgment, the defendant voluntarily surrenders to the sheriff; or the bondsperson (surety), at their own expense, delivers the defendant or facilitates delivery of the defendant to the sheriff. The court can also set aside the judgment if, after considering all of the circumstances, it would be warranted.

Previously, the judgment could be set aside within 90 days, so this bill provides additional time and gives the court authority to set aside the judgment, regardless of whether the defendant surrenders or is “delivered.”

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

#### [HF 426](#) – Sexual Assault Kit Tracking System

[HF 426](#) establishes an automated sexual assault evidence collection kit tracking system within the Crime Victim Assistance Division of the Attorney General’s Office. The system allows victims, county attorneys and others that have custody of the kits to track their location and status. The Crime Victim Assistance Division has already implemented the tracking system with a federal grant.

Legislation will ensure specific requirements for the tracking system:

- The manufacturer or distributor of the kits enters information on new, unused kits and documents when a kit is given to a health care provider.
- Each health care provider enters kit information into the tracking system within 48 hours of receipt.
- When victims of sexual assault consent to a forensic medical exam and preservation of the evidence, the health care provider contacts law enforcement to collect and store the kit.
- The location of the kit is updated each step of the way.
- When a kit is transferred to the lab, that information is entered into the system.
- Results of testing are entered into the system, and the kit is returned to the law enforcement agency.
- Victims have decision-making ability throughout the process, and are apprised of their rights and ability to request notification about the status of the kits.

- Kits will be kept for 15 years.
- The Victim Compensation Fund pays for any healthcare-related costs for the exams and lab fee.  
[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

### **HF 433 – Court Reporters**

**HF 433** will help ensure court sessions can be recorded by a court reporter. There is a shortage of court reporters in Iowa with multiple vacancies across the state.

The bill has two distinct parts:

- Court Reporter Certification - The bill authorizes a judge to appoint a competent, uncertified court reporter for up to one year if a vacancy occurs and the chief judge verifies that a diligent, but unsuccessful, search has been conducted to appoint a certified court reporter to the position.
- Adoption Proceedings - This bill would authorize electronic recording for adoption proceedings.  
[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

### **HF 435 – Emergency contact information for DOT**

**HF 435** sets up a system whereby the Iowa Department of Transportation (DOT) will include emergency contact information in its database of registration, titles and driver’s license information.

- When a person applies for a driver’s license or nonoperator’s ID card, the DOT will request that the applicant supply up to two emergency contacts.
- Iowans will not be required to provide the emergency contact information; it is voluntary.
- The emergency contact information will be accessed when a person who is involved in a motor vehicle accident or emergency situation dies, is seriously injured, or rendered unconscious and cannot communicate.
- If the applicant for the driver’s license is under 18, one of the emergency contacts must be the parent, guardian or custodian.
- Effective date is January 1, 2022.  
[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

### **HF 452 – Human trafficking and practice of massage therapy, cosmetology**

**HF 452** is part of a statewide effort to stop human trafficking under the guise of massage therapy and cosmetology services.

The bill:

- Requires that anyone who claims to be licensed in massage therapy or cosmetology present a copy of their professional license and a government-issued ID upon request of a peace officer investigating a complaint of illegal services. Failure to provide these documents is a serious misdemeanor.
- Any advertisement or announcement to the public advertising massage therapy or cosmetology services that falsely represents a person as licensed or offers services that violate state law is a serious misdemeanor.
- Adds a definition of “forced labor services” to include knowingly providing or facilitating a forged, altered or fraudulent license, or government-issued ID to facilitate or force, etc., another person to perform labor services, or to present such documents to law enforcement.
- Adds a definition of “forced labor services” to include knowingly forcing another person to do an act in violation of state or federal law through debt bondage or servitude, or as a condition of staying in the U.S.
- A person who knowingly engages in human trafficking by providing fraudulent documents to facilitate forced labor services or to provide the documents to a peace officer is guilty of an aggravated misdemeanor. If the other person is a minor, it’s a “D” felony.
- It’s a “D” felony for any person who controls a building or structure to knowingly allow it to be used for human trafficking.
- It will be an affirmative defense to crimes in the bill that the defendant is a victim of human trafficking.
- Establishes “restorative expenses” that a person convicted of human trafficking must pay to victims.  
[4/28: 48-0 (Absent: Nunn, Schultz)]

### **HF 561 – Mechanic’s Liens**

HF 561 includes two distinct parts:

1. A perfected lien will be limited to the county or counties in which the building, land or improvement to be charged is situated. When property is located in more than one county, the lien must be filed more than once for each county, and a contractor at times must post a bond for each lien filed relating to the same property.
2. In an action brought upon a bond given in lieu of a mechanic’s lien, the prevailing plaintiff may be awarded reasonable attorney fees. In an action to defend any bond given in lieu of a mechanic’s lien on residential construction property, if the person defending against an action on the bond prevails, the court may award reasonable attorney fees and actual damages.

The bill has a delayed effective date of January 1, 2022, for the Secretary of State to make necessary software changes. [4/13: 46-0 (Absent: Hogg, Lofgren, Nunn, Rozenboom)]

### **HF 603 – Sexual Assault Forensic Examiners**

HF 603 establishes a sexual assault forensic examiner program to be administered by the Victim Assistance Division of Iowa’s Department of Justice. The Division will establish training and provide technical assistance to sexual assault examiners and sexual assault nurse examiners. An advisory committee will work with the Division to develop the program. Monies from the Victim Compensation Fund may be used to support the program.

The program will:

- Maintain a list of sexual assault examiners and sexual assault nurse examiners who have completed the training.
- Develop and provide online training to treatment facilities for sexual assault examiners.
- Create uniform materials that all treatment facilities and federally qualified health centers must provide to patients and non-offending parents or guardians regarding medical forensic examination procedures and laws about consent related to medical forensic services, benefits and risks of evidence collection, and recommended time frames for evidence collection.
- Update statewide sexual assault protocols and provide technical assistance upon request to health care professionals.

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

### **HF 621 – No Civil Liability for Firearms Manufacturers, etc.**

HF 621, along with numerous other Republican bills limiting civil liability, provides that no civil action may be brought against a firearm or ammunition manufacturer, importer, distributor, trade association, seller or dealer when the design, manufacture, marketing, or sale of a firearm, firearm accessory or ammunition for a firearm comports with the law.

In addition, no civil action can be brought or maintained against a manufacturer, distributor, etc., to recover damages resulting from the criminal or unlawful misuse of a firearm, firearm accessory or ammunition for a firearm by a third party.

If there is an action brought against a manufacturer, etc., that is prohibited by this bill, the action must be dismissed, and the defendant will be awarded reasonable attorney’s fees and costs.

Actions may be brought against a manufacturer, distributor, etc., for breach of contract or warranty, for damage or harm to a person or property because of a defective firearm or ammunition, or for injunctive relief to enforce a valid statute, rule or ordinance.

[3/22: 31-17, party-line (Absent: Kinney, Nunn)]

### **HF 699 – Nonsubstantive Code Editor’s Bill**

HF 699 is the Nonsubstantive Code Editor’s bill, submitted each year to make Code changes that generally exceed the Code Editor’s editorial authority, but that are considered to be nonsubstantive and noncontroversial in nature. In some

cases, the changes are within the Code Editor's authority but are significant enough that public notice of the changes is considered important.

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

#### **HF 709 – Pre-trial contact between minor prosecution witness, defendant**

HF 709 adds a new section to the Victims' Rights Chapter in the Iowa Code. The bill provides that a prosecuting witness under 18 has the right to an interview or deposition taken outside the presence of the defendant. Closed-circuit television may be used for an interview or deposition so that the defendant can view the interview or deposition. Some other form of viewing may be used as long as the defendant does not have contact with the minor. The defendant can communicate electronically with their attorney who is in the room where the minor is being interviewed or deposed.

[4/21: 46-0 (Absent: Nunn, Mathis, Schultz, Whiting)]

#### **HF 710 – Child Endangerment - Sex Offender**

HF 710 adds a new section to Iowa's Child Endangerment statute. It will be child endangerment when a registered sex offender whose offense was a sex offense against a minor has control of or unsupervised access to a minor. Previously, a parent or guardian who allowed a registered sex offender to have control of or unsupervised access to a minor committed child endangerment. This bill adds that the sex offender will also be committing child endangerment.

The crime of child endangerment does not apply in these situations:

- When the sex offender is the legal parent or guardian of the minor and the control or unsupervised access is not otherwise illegal.
- When the sex offender is married to and living with the legal parent or guardian of the minor and the control or unsupervised access is not otherwise illegal.

Any violation is a "D" felony, which can result in up to five years in prison and a fine.

[4/13: 45-0 (Absent: Hogg, Lofgren, Nunn, Petersen, Rozenboom)]

#### **HF 739 – Substantive Code Editor's Bill**

HF 739 is the Substantive Code Editor's Bill, which is submitted annually pursuant to Iowa Code Section 2B.6 and Joint Rule 11. The bill includes:

- Completion of the effort to update and correct string citations by changing the word "to" to "through" and determining whether all of the Code sections are actually intended to be referenced in the citation. This is done to clarify citations and ensure the correct Code sections are tagged and linked properly.
- Changing "herein," "hereinbefore," "aforesaid," "above," "hereinafter" and similarly vague internal references, or by striking the references, to clarify the meanings of the Code sections amended.
- Conforming language either in the same section or elsewhere in the Code to improve readability and consistency.
- Corrections to language due to oversights in or conflicts between legislation or codification issues.
- A correction to an outdated rule-making provision that does not reflect current practice.
- Updates to other archaic language and style to conform to current Code style.
- Repeals of obsolete provisions.

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

#### **HF 743 – Public Defender Representing Indigent Adopting Parents**

HF 743 adds an additional duty to a local public defender's office. Under the bill, a local public defender must represent an indigent party who files a petition to adopt a child when the local public defender's office was previously involved in the termination of parental rights proceeding relating to the child. These relate only to Chapter 232 termination of parental rights cases which are state initiated. If there is a conflict of interest, the adoptive parents must be referred to outside counsel who has contracted with the state public defender.

[5/17: 44-0 (Absent: Celsi, Goodwin, Johnson, Nunn, Schultz, Williams)]

### **HF 746 – Statute of Limitations for Veterinary Malpractice**

HF 746 adds a new section to Code Chapter 169 relating to veterinary practice. The bill provides a statute of limitations for an action brought for professional negligence or malpractice against a veterinarian. A person will have two years after the date the claimant knew, or should have known, or received notice of the injury for which damages are being sought, to bring an action against a veterinarian. The bill specifies that the action for professional negligence relates to damage to property and says that property includes an animal.

[4/7: 44-0 (Absent: Brown, Carlin, Dawson, Hogg, Nunn, Schultz)]

### **HF 753 – Causing death while speeding in excess of 25 MPH**

HF 753 relates to a person who, while speeding, causes an accident that results in the death of another. If a person exceeds the posted speed limit by 25 miles per hour or more, and the person's speeding causes the death of another person, it will be considered "Homicide by Vehicle." This is a class "C" felony, punishable by up to 10 years in prison and a fine. This section does not apply to a member of a public safety agency while performing official duties.

[5/5: 48-0 (Absent: Hogg, Nunn)]

### **HF 756 – No background checks for private transfers of firearms**

HF 756 makes significant changes to Iowa's firearms permitting laws by doing away with requirements for permits to acquire and permits to carry. The bill:

- Does away with Iowa's law requiring a permit to acquire for purchasing a pistol or revolver. That means no expanded background check by a sheriff and no three-day waiting period to purchase a handgun. No background checks whatsoever would be required for private sales.
- Does away with the requirement for a permit to carry a weapon in public. Without the requirement for a permit to carry, people without any type of firearms training can carry in public.
- Therefore, a person can purchase a firearm from a private seller without a background check and then carry it anywhere in public without any firearms training or showing of proficiency.

Other sections of the bill include:

- Individuals don't need a permit to carry in the Capitol or on Capitol grounds. However, open carry is prohibited.
  - It will be an aggravated misdemeanor if a person goes armed with a dangerous weapon and uses it in committing a crime. However, if a person is armed with a dangerous weapon with the intent of using it against another person, it will be a "D" felony.
  - The bill allows all certified peace officers, including federal officers, to carry on school grounds at any time when their job requires them to be armed at all times.
  - Allows certain Emergency Care Providers (EMCs) to be issued a professional permit to carry when the EMC is attached to a law-enforcement tactical team, trains with the tactical team, and must complete the firearms training and additional training along with the tactical team.
  - The Department of Public Safety must approve organizations—in addition to the NRA—that will certify handgun-safety training instructors. But because there is no requirement for a permit to carry, training is not required.
  - Prohibits local governments from passing regulations on "carrying" firearms or other weapons. Previous law prohibited local governments from regulating the ownership, possession, legal transfer, lawful transportation, modification, registration or licensing of firearms, but did not include "carrying" in the prohibition.
  - Tenants' Possession and Storage of Firearms:
    - Landlords, including manufactured-housing park owners/managers, who receive any type of government rental or housing assistance cannot prohibit or restrict the lawful ownership, use or possession of a firearm, firearm component or ammunition within the tenant's rental unit. Possession or storage of a firearm by a tenant does not constitute a clear and present danger.
    - Landlords have liability protection from damages resulting from a firearm, etc., that the landlord must allow on the property, unless the landlord is willful, reckless or engages in gross negligence.
- [3/22: 31-17, party-line (Absent: Kinney, Nunn)]

### **HF 757 – Drivers Licenses and Ignition Interlock Devices**

**HF 757** aims to improve compliance with certain driver's license restrictions imposed on those with OWIs (Operating While Intoxicated) and other offenses. The bill:

- Requires an ignition interlock device (IID) to be installed only on vehicles operated by a first-time OWI offender. Previous law required that ignition interlock devices be installed on all vehicles OWNED or operated by the offender. The cost of installing devices on all vehicles owned or operated is a disincentive to compliance.
- Allows those caught driving with a suspended or revoked driver's license to be eligible for a temporary restricted license (TRL). Previously, if a person is caught driving with a suspended, barred, revoked, etc., license, the Department of Transportation must extend the period of suspension, revocation, etc., for a like period of time and not issue a temporary restricted license.

[4/28: 48-0 (Absent: Nunn, Schultz)]

### **HF 821 – Civil Cause of Action for making false reports to law enforcement**

**HF 821** provides that when a person harasses another by reporting false information to law enforcement implicating the other person in criminal activity knowing that the information is false, or reports the alleged occurrence of a criminal act knowing the act did not occur, the victim of the harassment may bring a civil suit against the person who filed the false report or information.

[4/21: 46-0 (Absent: Nunn, Mathis, Schultz, Whiting)]