



## Iowa House committee OKs ‘back the blue’ bill; Measure advances despite constitutionality questions

James Q. Lynch and Rod Boshart

March 25, 2021

House Republicans moved quickly Wednesday to advance a bill to expand support and protections for Iowa law enforcement, but Democrats objected to who wouldn't be covered by the bill.

“The intent is to — I'll just use the term — to back the blue. They need it,” Rep. Steve Holt, R-Denison, said about **Senate File 476**.

“We are living in a time where our police officers are targets,” he said. “There's a level of a lack of respect that is breathtaking that I have not seen in my lifetime, toward those who ensure that law and order is maintained. We all know that without law and order, there is no freedom, there is no justice.”

However, Rep. Sharon Steckman, D-Mason City, pointed out the bill contains “no racial justice component, there's no mental health component.”

“If we really want to do an all-inclusive bill that helps the blue and helps citizens, then we need to think about something all-inclusive,” she said.

Legislators unanimously supported the “More Perfect Union” legislation last summer that addressed racial justice and police procedures. Steckman called that a “start to try to fix some of the issues that are apparent.”

“I just thought we would continue this work this year,” she said, citing court rulings and groups like the libertarian Cato Institute that call the qualified immunity language unconstitutional.

Public Safety Chairman Jarad Klein, R-Keota, said the bill's language was from the Iowa Attorney General Office and other opinions supported it.

Lawmakers ran into challenges writing the legislation, Holt said, because even civil rights groups were “gravely concerned” about provisions calling for the collection of information to stop racial profiling.

“That's why some of these things are not here that were in the governor's bill,” he said.

The bill, approved 14-5, will be amended on the floor to include language in House bills that include more protections for law enforcement as well as sick leave and health insurance language, Holt said during a subcommittee hearing on the bill an hour earlier.

It will criminalize shining a laser light in a peace officer's eyes, prohibit blocking roadways as part of demonstrations, add the governor's proposed language on riots and unlawful acts and prevent cities from telling law enforcement to stop enforcing the law, "which is happening, unfortunately, I think, in one city in Iowa."

Speakers generally supported SF 476, but questioned the constitutionality of the qualified immunity provision for law enforcement officers who take forceful action in situations where state law may not make it clear for them to understand their conduct might violate someone's constitutional protections.

"We have great concerns," said Lisa Davis of the Iowa Association for Justice. The association believes the Iowa Supreme Court has already interpreted the state Constitution to establish qualified immunity based on the concept of "all due care" and "specifically rejected" language included in SF 476.

"This is so broad it will protect the worst offenders," she added.

The subcommittee was asked to expand the confidentiality provisions of the bill to cover civilian employees of law enforcement agencies, federal judges and even former law enforcement personnel.

"The thing about our jobs is that you can quit the job ... but the job doesn't quit you," said Sarah Jennings, a lobbyist for the Department of Public Safety and a former county attorney. "I prosecuted some dangerous folks. The job follows you. If anything, when you quit, you are more vulnerable.

"Their vendettas don't stop," Jennings said. "Just because you take off the badge doesn't mean they don't stop hating you and they don't still come after you."