



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Iowa Fact Sheet

Harassment of Public Officers and Employees

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state *and* local officials. Below is more information on Iowa's relevant law.

Iowa Code, § 718.4 Harassment of Public Officers and Employees

Any person who willfully prevents or attempts to prevent any public officer or employee from performing the officer's or employee's duty commits a simple misdemeanor.

Relevant Definitions

Iowa Code, § 20.3

"Public employee" means any individual employed by a public employer.

"Public employer" means the state of Iowa, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts.

Penalties

Iowa Code, § 903.1

Up to 30 days imprisonment and \$65-\$625 in fines.



Summary

A person is guilty of harassing a public officer or employee which includes those employed at the local level, when he/she prevents or attempts to prevent that employee from performing his/her official duties. “Public employee” means any individual employed by a public employer. “Public employer” means the state of Iowa, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts. A person charged with this crime faces up to 30 days imprisonment and/or \$65-\$625 in fines.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Iowa Code, § 718.4 protects public officers and employees from harassment which impedes their ability to perform their official duties. [insert here a description of the conduct with a date—for example: On August 28, 2020, you prevented the Secretary of Health from leaving her home by staging an armed protest at her residence. As such, she was unable to perform her work-related duties. . . *This may constitute a violation of § 718.4 If convicted, you face up to 30 days imprisonment and a fine of up to \$625.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*