

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 338

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO IMMIGRATION; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 97, TITLE 67, IDAHO CODE, TO PROHIBIT CERTAIN LIMITATIONS
3 ON IMMIGRATION ENFORCEMENT BY A POLITICAL SUBDIVISION OF THIS STATE, TO
4 PROVIDE FOR A CAUSE OF ACTION IN CERTAIN INSTANCES, AND TO PROVIDE FOR
5 THE WITHHOLDING OF SALES AND USE TAX REVENUE IN CERTAIN INSTANCES; PRO-
6 VIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 97, Title 67, Idaho Code, and to read as follows:

12 CHAPTER 97

13 LIMITATIONS ON IMMIGRATION ENFORCEMENT BY A POLITICAL SUBDIVISION
14 PROHIBITED

15 67-9701. LIMITATIONS ON IMMIGRATION ENFORCEMENT BY A POLITICAL SUB-
16 DIVISION PROHIBITED -- CAUSE OF ACTION. (1) No political subdivision of the
17 state of Idaho may enact any ordinance or policy, whether written or oral,
18 that limits or prohibits a law enforcement officer, local official, or lo-
19 cal government employee from communicating with appropriate federal immi-
20 gration officers in regard to the immigration status of any person within the
21 state of Idaho.

22 (2) No political subdivision of the state of Idaho may enact any ordi-
23 nance or policy, whether written or oral, that limits or prohibits a state
24 or local corrections official from complying with a detainer request from a
25 federal immigration officer. A state or local corrections official may not
26 release the subject of a detainer request from a federal immigration officer
27 for a period of seventy-two (72) hours beginning from the subject's intended
28 release date in state or local custody.

29 (3) Notwithstanding any other provision of law to the contrary, a resi-
30 dent of a political subdivision of this state may bring a civil action in the
31 district court in which the resident and political subdivision are located
32 to enjoin the enactment of any ordinance or policy that violates the provi-
33 sions of subsection (1) or (2) of this section.

34 (4) In the event that a court finds that a political subdivision has in-
35 tentiously violated the provisions of this section, the court shall enjoin
36 the enactment of the ordinance or policy and may enter a judgment against
37 the political subdivision of not less than two thousand five hundred dollars
38 (\$2,500) and not more than ten thousand dollars (\$10,000) for each day that
39 the ordinance or policy remains or remained in effect.

40 (5) The state tax commission shall withhold any sales and use tax rev-
41 enue distributions pursuant to section 63-3638, Idaho Code, from a political

1 subdivision of this state until a judgment rendered pursuant to subsection
2 (4) of this section has been paid in full. If the state brings a successful
3 action pursuant to this section, the judgment shall be distributed to the po-
4 litical subdivision's local county sheriff's office. If a resident brings a
5 successful action pursuant to this section, the resident shall receive the
6 judgment.

7 (6) Notwithstanding any other provision of law to the contrary, a resi-
8 dent of a political subdivision of this state, or the resident's spouse, par-
9 ents, or children if the resident is deceased, who is the victim of a murder,
10 rape, or any felony as defined in Idaho Code for which an alien has been con-
11 victed and sentenced to a term of imprisonment of at least one (1) year, may
12 bring a civil action against the political subdivision of this state if the
13 political subdivision intentionally violated the provisions of subsection
14 (2) of this section.

15 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
16 to be severable and if any provision of this act or the application of such
17 provision to any person or circumstance is declared invalid for any reason,
18 such declaration shall not affect the validity of the remaining portions of
19 this act.

20 SECTION 3. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after its
22 passage and approval.