

IN THE SENATE

SENATE BILL NO. 1030

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO IMMIGRATION; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A
2 NEW CHAPTER 60, TITLE 19, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE
3 ENFORCEMENT OF FEDERAL IMMIGRATION LAW IN CERTAIN INSTANCES, TO PROVIDE
4 PROCEDURES FOR FILING A COMPLAINT, AND TO AUTHORIZE THE ATTORNEY GEN-
5 ERAL TO OBTAIN EQUITABLE RELIEF UPON FILING OF A VALID COMPLAINT; AND
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Title 19, 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 60, Title 19, Idaho Code, and to read as follows:

12 CHAPTER 60

13 COMPLIANCE WITH IMMIGRATION LAW

14 19-6001. DEFINITIONS. As used in this chapter:

15 (1) "Peace officer" means any employee of a police or law enforcement
16 agency that is a part of, or administered by, the state or any political
17 subdivision thereof and whose duties include and primarily consist of the
18 prevention and detection of crime and the enforcement of penal, traffic,
19 or highway laws of this state or any political subdivision. Peace officer
20 also means an employee of a police or law enforcement agency of a federally
21 recognized Indian tribe who has satisfactorily completed the peace offi-
22 cer standards and training academy and has been deputized by a sheriff of a
23 county or a chief of police of a city of the state of Idaho.

24 (2) "Policy" means a formal, written rule, order, ordinance, or policy
25 and an informal, unwritten policy.

26 (3) "Political subdivision" means any county, city, municipal corpo-
27 ration, health district, school district, irrigation district, operating
28 agent of any irrigation district whose board consists of directors of its
29 member districts, special improvement or taxing district, or any other
30 political subdivision or public corporation. As used in this chapter,
31 "county" and "city" also mean state-licensed hospitals and attached nursing
32 homes established by counties pursuant to chapter 36, title 31, Idaho Code,
33 or jointly by cities and counties pursuant to chapter 37, title 31, Idaho
34 Code.

35 (4) "State" means the state of Idaho or any office, department, agency,
36 authority, commission, board, institution, hospital, college, university,
37 or other instrumentality thereof.

38 19-6002. LOCAL GOVERNMENT POLICY REGARDING IMMIGRATION ENFORCE-
39 MENT. (1) A governmental entity shall not adopt, enforce, or endorse a policy

1 under which the entity prohibits or discourages the enforcement of immigra-
2 tion laws.

3 (2) In compliance with subsection (1) of this section, a governmental
4 entity shall not prohibit or discourage a person who is a commissioned peace
5 officer, a corrections officer, a booking clerk, a magistrate, or a prose-
6 cuting attorney, and who is employed by or otherwise under the direction or
7 control of the entity, from doing any of the following:

8 (a) Inquiring into the immigration status of a person under a lawful de-
9 tention or under arrest;

10 (b) With respect to information relating to the immigration status,
11 lawful or unlawful, of any person under a lawful detention or under ar-
12 rest:

13 (i) Sending the information to, or requesting or receiving the
14 information from, United States citizenship and immigration ser-
15 vices or United States immigration and customs enforcement, in-
16 cluding information regarding a person's place of birth;

17 (ii) Maintaining the information; or

18 (iii) Exchanging the information with another governmental en-
19 tity, including a federal or state governmental entity;

20 (c) Assisting or cooperating with a federal immigration officer as rea-
21 sonable or necessary, including providing enforcement assistance; or

22 (d) Permitting a federal immigration officer to enter and conduct en-
23 forcement activities at a municipal or county jail to enforce federal
24 immigration laws.

25 19-6003. COMPLAINT -- EQUITABLE RELIEF. (1) Any person, including the
26 federal government, may file a complaint with the attorney general if the
27 person offers evidence to support an allegation that a governmental entity
28 has adopted, enforced, or endorsed a policy under which the entity prohibits
29 or discourages the enforcement of immigration laws or that the entity, by
30 consistent actions, prohibits or discourages the enforcement of those laws.
31 The person must include with the complaint the evidence the person has that
32 supports the complaint.

33 (2) If the attorney general determines that a complaint filed under
34 subsection (1) of this section against a governmental entity is valid, the
35 attorney general may file a petition for a writ of mandamus or apply for
36 other appropriate equitable relief in a district court in Ada county, or in a
37 county in which the principal office of the entity is located, to compel the
38 entity that adopts, enforces, or endorses a policy under which the govern-
39 mental entity prohibits or discourages the enforcement of immigration laws
40 or that, by consistent actions, prohibits or discourages the enforcement of
41 those laws to comply with section 19-6002, Idaho Code. The attorney general
42 may recover reasonable expenses incurred in obtaining relief under this sub-
43 section, including court costs, reasonable attorney's fees, investigative
44 costs, witness fees, and deposition costs.

45 SECTION 2. An emergency existing therefor, which emergency is hereby
46 declared to exist, this act shall be in full force and effect on and after
47 July 1, 2023.