

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 335

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO CONCEALING, HARBORING, AND SHIELDING ALIENS; AMENDING TITLE 18,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 90, TITLE 18, IDAHO CODE, TO
3 ESTABLISH PROVISIONS REGARDING THE CONCEALING, HARBORING, AND SHIELD-
4 ING OF ALIENS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
5 DATE.
6

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

8 SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
10 ter 90, Title 18, Idaho Code, and to read as follows:

11 CHAPTER 90

12 CONCEALING, HARBORING, AND SHIELDING ALIENS

13 18-9001. DEFINITIONS. As used in this chapter:

14 (1) "Alien" means any person not a citizen or national of the United
15 States.

16 (2) "Organization" is as defined in 8 U.S.C. 1101(a)(28), the immigra-
17 tion and nationality act, including but not limited to an organization, cor-
18 poration, company, partnership, association, trust, foundation, or fund and
19 includes a sole proprietorship or group of persons, whether or not incorpo-
20 rated, permanently or temporarily associated together for joint action on
21 any subject or subjects.

22 18-9002. PROHIBITIONS. It shall be unlawful for an organization in
23 this state to do any of the following:

24 (1) Conceal, harbor, or shield from detection, attempt to conceal, har-
25 bor, or shield from detection, or conspire to conceal, harbor, or shield from
26 detection an illegal alien in any place in this state, including any build-
27 ing or any means of transportation, if the organization knows or recklessly
28 disregards the fact that the alien has come to, has entered, or remains in the
29 United States in violation of federal law, including being an inadmissible
30 alien. The provisions of this subsection shall be interpreted as being con-
31 sistent with 8 U.S.C. 1324(a)(1)(A);

32 (2) Encourage, promote, advertise, coerce, or induce an alien to come
33 to or reside in this state if the organization knows or recklessly disregards
34 the fact that such alien's coming to, entering, or residing in the United
35 States is or will be in violation of federal law, including being an inadmis-
36 sible alien. The provisions of this subsection shall be interpreted as being
37 consistent with 8 U.S.C. 1324(a)(1)(A);

38 (3) Transport, attempt to transport, or conspire to transport in
39 this state an alien in furtherance of the unlawful presence of the alien in
40 the United States, knowing or in reckless disregard of the fact that the

1 alien has come to, entered, or remained in the United States in violation
2 of federal law, including being an inadmissible alien. Conspiracy to be
3 so transported shall be a violation of this subsection. The provisions
4 of this subsection shall be interpreted as being consistent with 8 U.S.C.
5 1324(a) (1) (A); or

6 (4) Provide, promote, or advertise shelter, financial support, or le-
7 gal assistance to an alien in this state if the organization knows or reck-
8 lessly disregards the fact that such alien's coming to, entering, or resid-
9 ing in the United States is or will be in violation of federal law, including
10 being an inadmissible alien.

11 18-9003. PENALTIES. (1) Any organization violating the provisions of
12 section 18-9002, Idaho Code, shall be guilty of a misdemeanor for each un-
13 lawfully present alien whose illegal presence in the United States and this
14 state the organization is facilitating or is attempting to facilitate.

15 (2) Any organization violating the provisions of section 18-9002,
16 Idaho Code, shall be guilty of a felony when the violation involves five (5)
17 or more aliens whose illegal presence in the United States and this state the
18 organization is facilitating or is attempting to facilitate.

19 (3) An organization with a prior conviction under section 18-9002,
20 Idaho Code, who commits a subsequent violation shall be guilty of a felony.

21 (4) (a) On a finding of a first violation by a court of competent juris-
22 diction that an organization violated section 18-9002, Idaho Code, the
23 court shall do the following:

24 (i) Direct the applicable state, county, or municipal governing
25 body to revoke all business licenses and permits, if such exist,
26 held by the organization throughout the state for a duration of
27 one (1) year. Upon receipt of the order, and notwithstanding any
28 other law, the appropriate agencies shall immediately revoke the
29 licenses and permits held by the organization for a duration of one
30 (1) year; and

31 (ii) Impose a fine fixed by ordinance, not to exceed the sum of
32 three thousand dollars (\$3,000) for each offense and each unlaw-
33 fully present alien aided by the organization.

34 (b) For a subsequent violation by an organization, the court shall di-
35 rect the applicable state, county, or municipal governing body to per-
36 manently revoke all business licenses and permits, if such exist, held
37 by the organization throughout the state. On receipt of the order, and
38 notwithstanding any other law, the appropriate agencies shall immedi-
39 ately revoke the licenses and permits held by the organization.

40 (5) Any conveyance, including any vessel, vehicle, or aircraft, that
41 has been or is being used in the commission of a violation of section 18-9002,
42 Idaho Code, and the gross proceeds received by any individual or organiza-
43 tion using such conveyance to commit such a violation, shall be subject to
44 civil forfeiture under the procedures applicable under state law.

45 18-9004. EXCEPTIONS. (1) A law enforcement agency and its officers,
46 employees, and staff, and any persons or organizations hired by a law en-
47 forcement agency, may securely transport an alien who is unlawfully present
48 in the United States to any federal, state, or local detention or holding fa-

1 cility or to any other location required to detain such alien or to facili-
2 tate transfer of the alien into federal custody.

3 (2) Any person acting in his official capacity as a first responder may
4 shelter, move, or transport an alien unlawfully present in the United States
5 pursuant to state law when required to provide emergency services.

6 18-9005. ENFORCEMENT. (1) In the enforcement of this chapter, an
7 alien's immigration status shall be determined by verification of the
8 alien's immigration status with the federal government pursuant to 8 U.S.C.
9 1373(c).

10 (2) Any record that relates to the immigration status of a person is
11 admissible in any court of this state without further foundation or testi-
12 mony from a custodian of records if the record is obtained from the federal
13 government agency that is responsible for maintaining the record. A veri-
14 fication of an alien's immigration status received from the federal govern-
15 ment pursuant to 8 U.S.C. 1373(c) shall constitute proof of that alien's sta-
16 tus. A court of this state shall consider only the federal government's ver-
17 ification in determining whether an alien is lawfully present in the United
18 States.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2025.