

IN THE SENATE

SENATE BILL NO. 1006

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 APPLICABILITY, TO PROVIDE PROCEDURES FOR FILING A COMPLAINT, TO PROVIDE  
5 FOR RELIEF AVAILABLE, AND TO AUTHORIZE THE DENIAL OF SALES TAX DISTRIBUTION  
6 FUNDS IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING  
7 AN EFFECTIVE DATE.  
8

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

10 SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended  
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
12 ter 60, Title 19, Idaho Code, and to read as follows:

13 CHAPTER 60  
14 COMPLIANCE WITH IMMIGRATION LAW

15 19-6001. DEFINITIONS. As used in this chapter:

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

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

27 (3) "Political subdivision" means any county, city, municipal corpora-  
28 tion, health district, school district, irrigation district, an operating  
29 agent of irrigation districts whose board consists of directors of its mem-  
30 ber districts, special improvement or taxing district, or any other politi-  
31 cal subdivision or public corporation. As used in this chapter, "county" and  
32 "city" also mean state-licensed hospitals and attached nursing homes estab-  
33 lished by counties pursuant to chapter 36, title 31, Idaho Code, or jointly  
34 by cities and counties pursuant to chapter 37, title 31, Idaho 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 prosecut-  
6 ing attorney, and who is employed by or otherwise under the direction or con-  
7 trol 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) A governmental entity for which the attorney general has received a  
34 complaint under subsection (1) of this section shall comply with a document  
35 request, including a request for supporting documents from the attorney gen-  
36 eral, related to the complaint.

37 (3) If the attorney general determines that a complaint filed under  
38 subsection (1) of this section against a governmental entity is valid, the  
39 attorney general shall, no later than the tenth day after the date of the  
40 determination, provide written notification to the entity that:

41 (a) The complaint has been filed;

42 (b) The attorney general has determined that the complaint is valid;

43 (c) The attorney general is authorized to file an action to enjoin the  
44 violation if the entity does not come into compliance with the require-  
45 ments of section 19-6002, Idaho Code, on or before the ninetieth day af-  
46 ter the date the notification is provided; and

47 (d) The entity shall be denied state grant funds for the state fiscal  
48 year following the year in which a final judicial determination in an  
49 action brought under subsection (5) of this section is made.

1 (4) No later than the thirtieth day after the day a governmental entity  
2 receives written notification under subsection (3) of this section, the gov-  
3 ernmental entity shall provide the attorney general with a copy of:

4 (a) The entity's written policies related to immigration enforcement  
5 actions;

6 (b) Each immigration detainer received by the entity from the United  
7 States department of homeland security; and

8 (c) Each response sent by the entity for a detainer described in para-  
9 graph (b) of this subsection.

10 (5) If the attorney general determines that a complaint filed under  
11 subsection (1) of this section against a governmental entity is valid, the  
12 attorney general may file a petition for a writ of mandamus or apply for  
13 other appropriate equitable relief in a district court in Ada county, or in a  
14 county in which the principal office of the entity is located, to compel the  
15 entity that adopts, enforces, or endorses a policy under which the govern-  
16 mental entity prohibits or discourages the enforcement of immigration laws  
17 or that, by consistent actions, prohibits or discourages the enforcement of  
18 those laws to comply with section 19-6002, Idaho Code. The attorney general  
19 may recover reasonable expenses incurred in obtaining relief under this sub-  
20 section, including court costs, reasonable attorney's fees, investigative  
21 costs, witness fees, and deposition costs.

22 (6) An appeal of a suit brought under subsection (5) of this section is  
23 governed by the procedures for accelerated appeals in civil cases under the  
24 Idaho appellate rules. The appellate court shall render its final order or  
25 judgment with the least possible delay.

26 19-6004. DENIAL OF SALES TAX DISTRIBUTION FUNDS. (1) A governmental  
27 entity may not receive its designated portion of sales tax appropriations  
28 provided for in section 63-3638(10) (a) and (b), Idaho Code, if the entity  
29 adopts, enforces, or endorses a policy under which the entity prohibits or  
30 discourages the enforcement of immigration laws or, by consistent actions,  
31 prohibits or discourages the enforcement of immigration laws.

32 (2) State funds provided for in section 63-3638(10) (a) and (b), Idaho  
33 Code, for a governmental entity shall be denied for the state fiscal year  
34 following the year in which a final judicial determination in an action  
35 brought under section 19-6003, Idaho Code, is made that the entity has inten-  
36 tionally prohibited or discouraged the enforcement of immigration laws. The  
37 denial of funds to one (1) or more governmental entities under this subsec-  
38 tion shall not affect the calculation of the pro rata distribution of sales  
39 tax revenues to other governmental entities receiving funds provided for in  
40 section 63-3638(10) (a) and (b), Idaho Code.

41 (3) For purposes of this section, a county and a sheriff's department  
42 within that county shall be treated as the same governmental entity. If ei-  
43 ther the county or the sheriff's department, or both, are found to have vio-  
44 lated the provisions of this chapter and have received a final judicial judg-  
45 ment under section 19-6003, Idaho Code, the county shall be denied its por-  
46 tion of appropriations provided for in section 63-3638(10) (a) and (b), Idaho  
47 Code.

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