

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 659

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO A MEMORANDUM OF AGREEMENT WITH IMMIGRATION AND CUSTOMS ENFORCE-
2 MENT; AMENDING CHAPTER 6, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW
3 SECTION 19-626, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LAW EN-
4 FORCEMENT ENTERING INTO A MEMORANDUM OF AGREEMENT WITH IMMIGRATION AND
5 CUSTOMS ENFORCEMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
6 TIVE DATE.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 6, Title 19, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 19-626, Idaho Code, and to read as follows:

12 19-626. MEMORANDUM OF AGREEMENT WITH IMMIGRATION AND CUSTOMS ENFORCE-
13 MENT. (1) As used in this section:

14 (a) "Enforcement and removal operations" means the directorate of
15 United States immigration and customs enforcement under the department
16 of homeland security that manages all aspects of the immigration en-
17 forcement process, including the identification, arrest, detention,
18 and removal of aliens who are subject to removal or are unlawfully
19 present in the United States.

20 (b) "Immigration and customs enforcement" means the federal law en-
21 forcement agency under the department of homeland security, with the
22 primary mission to promote homeland security and public safety through
23 criminal and civil enforcement of federal laws governing border con-
24 trol, customs, trade, and immigration.

25 (c) "Law enforcement agency" means any law enforcement agency of any
26 political subdivision of the state, including any municipal police de-
27 partment or county sheriff's department.

28 (d) "Section 287(g)" refers to section 287(g) of the immigration and
29 nationality act, 8 U.S.C. 1357(g), that permits the delegation of cer-
30 tain immigration enforcement functions to local law enforcement agen-
31 cies and that enables specially trained local peace officers to perform
32 specific functions relating to the investigation, apprehension, or de-
33 tention of noncitizens during a predetermined time frame and under fed-
34 eral oversight by immigration and customs enforcement.

35 (2) Each law enforcement agency in this state shall make an application
36 for a section 287(g) program for which the local or county law enforcement
37 agency is eligible, including but not limited to the jail enforcement model
38 and the warrant service officer model operated by the department of homeland
39 security, and shall participate in any future program or successor to an ex-
40 isting program.

41 (3) If a law enforcement agency is unable to enter into a section 287(g)
42 memorandum of agreement, such agency shall publish a statement declaring the

1 reasons for its inability to enter into the memorandum and any efforts made
2 to establish alternate cooperation with enforcement and removal operations
3 of immigration and customs enforcement.

4 SECTION 2. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2026.