



BINGHAM COUNTY
SHERIFF JEFF GARDNER

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Honorable Members of the Idaho Senate,

03/09/2026

I am writing this letter to express extreme concern for the passing of Idaho House Bill 659 by the Senate and subsequently, it being signed into law. I do so in good faith, and feel I am grounded in conservative values. I offer the following explanation:

First and foremost, I understand the legislative intent behind the statute, and the end-state it is after. I don't think either is wrong. Immigration laws are in place to maintain the rule of law and the safety and security of our great nation. Bingham County has, and always should, cooperate with ICE efforts to the best of our ability to that end. We have done so in the past in a longstanding, informal manner by sharing information, and notifying ICE upon the arrest of illegal aliens for local criminal offenses. This is to provide them with the opportunity to address immigration violations while local matters go through due process, and the violators remain in custody. This past summer, we signed an MOU to participate in the "287(G) Program" which formalized our involvement. I elected to participate in the (WSO) Warrant Service Officer option to legally enhance our ability to keep criminals with illegal status from leaving custody prior to being held accountable by ICE.

As in many things with government and large-scale operations, there are always unintended consequences when certain ideas that come from good intentions are implemented. The unintended consequences of this bill could be quite troublesome, and they quite possibly aren't currently being considered. My fear of these unintended consequences stems from conservative values consistent with and including a limited government and maintaining local control in all things feasible to do so. I also don't want another unfunded mandate from the State of Idaho burdening my local taxpayers.

A major component of my position is I believe firmly that the Office of Sheriff is a sacred position that stands as a last line of defense for the Constitution, and to give a voice and representation through Executive, Constitutional Authority to the local population 'The People'. Any further measures from the State or Federal Government dictating the parameters in which a Sheriff can execute that authority, as he/she focuses on the will of the local people, essentially diminishes the Office of Sheriff. There might be some measures implemented that move the needle in the right direction to the will of the local people and are helpful, let's say, "this time". If we get into the habit of implementing these measures from the State to dictate what a Sheriff can and can't do, what are we to do "next time", if the measures aren't favorable to the desires of the local population. Beyond that, with this current Bill becoming law, what are we to do if the

climate shifts at the Federal level, and heaven-forbid, the Federal Government creates a law saying that no local police *can have* an MOU with ICE. We would then have a Sheriff who has to either violate State Law or Federal Law that has sworn to an oath and the Law Enforcement Code of Ethics stating they *won't* break the law.

Further, the Idaho Law Enforcement Code of Ethics states, "*I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.*" It is my opinion that there is no need for there to be a State Law mandating the cooperation of local law enforcement with ICE, a legally authorized agency, in the pursuit of justice. It is already in the code of ethics to cooperate, which states, "*I will constantly strive to achieve these objectives and ideals...*". I interpret this to be a mission statement of effort, purpose, and willingness. All of which do not, and should not, require a mandated law from the State of Idaho. It's already been promised, and that promise should be delivered at the discretion of those that have been elected by their local population with the resources they have. Then, it is with 'The People' to decide and evaluate the performance, which I strongly advocate remain the case for as many things feasible.

I advocate for the rule of law and immigration enforcement. We have a lot of unvetted and undocumented criminal illegal aliens in this Country, and I'm not naive to rule out Bingham County being a place they may reside. As for me and my Office, we will cooperate with ICE to the best of our ability. It is the right thing to do, and it will enhance the safety of Bingham County. I encourage all Sheriff's and other Executive Law Enforcement Officials to do so as well, within reason and according to their resources. However, I don't see the need for the State to mandate cooperation with the Federal Government. I believe in separation of powers. I don't want the Federal Government to enforce State Law, and I don't want local law enforcement to enforce Federal Law without extreme discretion belonging to those with authority given by the local populace. I am a Constitutional Sheriff, and when our Federal partners are doing something that is good for the people of Bingham County and deemed constitutional, we join them in their mission. If they have a different mission downrange compromising let's say, the 2nd Amendment for example, it is then my duty to interpose on Constitutional grounds. This Bill becoming law gains Idaho little-to-nothing, and it opens the door to risk everything. There's already large-scale cooperation, regardless of an MOU being in place in some cases. I'm proud to say I don't know of any Sheriff's that actively subvert immigration efforts. So, if it's not broken, then what exactly are we trying to fix? Idaho is not Minnesota, and as an Idaho Sheriff I won't let it become such on my watch—regardless of what the State or Federal Government does.

Humbly Submitted,

A handwritten signature in blue ink that reads "Jeff Gardner". The signature is written in a cursive style and is positioned above a horizontal line.

Jeff Gardner, Bingham County Sheriff