

2024: WINNING IN A SHIFTING ENVIRONMENT

The 2024 Idaho legislative session was fraught: Lawmakers battled over policy, politics, and party allegiance, often in full public view. The increased tension shaped our legislative advocacy efforts, as did a marked departure from democratic processes and norms in the legislature. Our team at the ACLU of Idaho was nimble as this unusual legislative session unfolded — we found new routes to protect civil rights and civil liberties, and even recalibrated how we define our victories.

In practice, redefining a "win" meant we worked diligently to counteract political apathy, amplify community voices, and correct false and harmful political rhetoric aimed at eroding civil rights and civil liberties. What didn't change this year is our fierce dedication to protecting the rights and freedoms of all Idahoans.

In this Legislative Report, we reflect on the ups and downs of the 2024 Idaho legislative session. We tell the story of our hard-earned wins and the devastating impacts of far-right extremist legislation. We invite you to celebrate the victories, reflect on the losses, and learn more about the ongoing struggle for justice in Idaho.

SHIFTING DYNAMICS

This year, tensions within the Republican party led to abrupt leadership changes, splits over the budgeting process, and contentious debates. Just one month into session, apparent disagreements over the new omnibus budget process led to the unprecedented ouster of then-Majority House Leader Megan Blanksma.

The abrupt shift in leadership matters because it tells us something about the far-right's influence and their tendency to bully rather

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BY THE NUMBERS

93 days in

days in session

bills tracked

5 sistered ACLU-I

registered ACLU-ID lobbyists

1,573

constituent emails sent to lawmakers

24

verbal testimonies delivered

joint Lobby Day with Planned Parenthood 30

registered participants - Justice is Just Us training

2

phone banking parties

55

written testimonies submitted

1,614

phone connections with lawmakers

2 -



"In our state constitution, it makes it so clear that the government ought not to infringe on religious liberties. What that means is that everyone has the right to practice or not practice a religion. So when we begin to legislate religiosity and specifically Christianity into our rules and our laws, that's a clear indicator that we've departed from the idea that the government has no business in telling people what to believe."

— Amy Dundon, Legislative Strategist, in an interview with Idaho Reports on April 2, 2024

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than collaborate toward solutions. That is, the recent trend of legislation rooted in religious (and specifically Christian nationalist) ideology was even more apparent after the House leadership shakeup. Lawmakers appeared less willing or less able to speak out against discriminatory dog whistles, unconstitutional bills, or flagrant Christian nationalist ideals. Many appeared more willing to govern "morality" rather than legislate a more equitable Idaho.

Idaho is not alone in these trends. Rather, our state is part of a coordinated, nationwide effort to gain power through extremist legislation. Christian nationalist and other far-right extremist groups are gaining influence quickly. The Christian nationalist Idaho Family Policy Center, for example, is linked to dozens of anti-LGBTQ+ bills and laws; the organization's staff more than quadrupled between 2021 and 2024. Importantly, extremist groups not only draft legislation – they also target (and ultimately unseat) moderate lawmakers.

The combined political and electoral pressure, it seems, also eroded legislative decorum. Committee chairs, once selected for their fairness, openly shut down colleagues during debate, disparaged the Court and Congress, or disregarded public testimony — a stark departure from our cherished, democratic legislative process.

Noting these shifts, we reconfigured our approach to legislative advocacy. We are proud of the wins we — alongside our communities and supporters — achieved this year.

HOW WE ADJUSTED

The ACLU of Idaho is well-respected. For decades, our skill and acumen, particularly in constitutional analyses of bills, helped us defend Idahoans' rights in the statehouse. Recently, however, conservative lawmakers seem ambivalent (or, at times, even hostile) to our warnings about passing unconstitutional laws. Idaho legislators also appear more willing to sacrifice the rights of already marginalized groups to gain political points.

Our team responded to the changing Idaho political landscape in kind, not least through recalibrating our definition of a "win." That is, while a decade ago, a win meant defeating a harmful bill or helping to pass a favorable bill, we now think of a "win" as reducing the harm caused by a particular bill, shifting public narratives, and increasing public knowledge about legislation.

In sum, we are building a movement toward justice in Idaho. And while challenging to quantify, we know anchoring our "wins" in community is crucial to a more just Idaho; we see every step toward this goal as an unequivocal win.

Part of our success this year, too, is growth at our organization; additional team members across nearly every department allowed for deeper community collaboration. Our growing capacity meant we could support local LGBTQ+ rights activists in organizing the March Forth event, a protest against anti-trans legislation that included a silent demonstration and rally at the Capitol. March Forth received extensive media coverage and fostered community solidarity and empowerment.

In April, we again collaborated with LGBTQ+ rights advocates who coordinated a press conference inside the Capitol Building, while simultaneously, 48,000 paper and cloth hearts floated down through the rotunda. The cascading hearts symbolize the 48,000 self-identified LGBTQ+ Idahoans facing legislative attacks. This act of love and protest garnered international attention — our social media video reached over 400,000 people. The 48k Heart Drop received overwhelming public support, inspired messages of hope and gratitude, and reinvigorated folks in the LGBTQ+ community, their allies, and families.

Growth in the ACLU-ID team has also allowed our work to reach more Idahoans; we've seen more news media coverage than in years past and 118% more social media followers – our TikTok followers alone grew from 427 to 1,917 in just four months.

We know extremists are better funded and relentless in their attacks on civil rights. We also know hateful rhetoric — unlike community-based advocacy — will never inspire loving, unifying, or energizing actions.

We will not stop fighting for the rights of LGBTQ+ folks. Our ongoing struggle against harmful laws, censorship, or unconstitutional bills in the Idaho state legislature continues − and we remain relentless in our pursuit of new tools and approaches to the ongoing struggle for freedom and justice. ■

PROACTIVE BILLS THAT BECAME LAW

H.B. 441 – Legalize fentanyl testing strips. This bill removes the part of Idaho statute that lists testing strips as drug paraphernalia. This makes them more widely available and introduces a powerful tool to combat Idaho's fentanyl crisis.

H.B. 654 – Fair pay for incarcerated people. This bill ensures incarcerated workers receive the same pay and benefits as any other worker — an important step in reforming Idaho's criminal justice system.

NOTABLE WINS FOR JUSTICE, LIBERTY, AND EQUITY

Our team tracked, analyzed, and engaged with more than 120 pieces of legislation, leveraging our expertise and resources to best protect Idahoans' civil rights and liberties. Here are some of our most important wins.

HARMFUL BILLS THAT WERE DEFEATED

H.B. 615 - Anti-immigrant health care

This bill would have barred undocumented people from accessing any kind of publicly funded health care, such as pre-natal and post-natal care, immunizations, and soup kitchens.

H.B. 405 - Capital punishment for lewd conduct

This bill proposed to add the death penalty as a punishment for lewd conduct with a child under the age of 12. This has already been ruled unconstitutional by the U.S. Supreme Court.

H.B. 606 – Increased criminalization for marijuana
This bill went through several iterations, and all of them
were defeated. It would have added an additional, mandatory fine for possessing three ounces or less of marijuana, of
no less than \$420.

H.B. 390 – Increased authority for attorney general This bill sought to increase the scope of authority for the attorney general to investigate elected city officials and act against them. Several other bills also sought to increase the attorney general's powers in similar ways, but all were defeated.

S.B. 1362 - Anti-LGBTQ+ flag bill

This bill would have banned any flags that are deemed an expression of "personal political" ideas from being in a classroom. Lawmakers admitted the Pride flag and Black Lives Matter flag would have been banned from classrooms under this bill.

H.B. 567 - "Don't Say Gay" bill

This bill is a copy of bills that have been introduced and passed in several states already. It would have prohibited any instruction on human sexuality, sexual orientation, or gender identity prior to fifth grade.

S.B. 1229 – Removed rape and incest exemptions for abortion

This bill would have removed the exemption to abortion for someone who has experienced rape or incest and has been able to prove it in the criminal justice system.



BY THE NUMBERS

112% average increase in social media followers

50 new LGBTQ+ advocate partnerships via forums and email

48,000 hearts dropped into the Idaho Capitol rotunda

85 Idaho community groups sent a total of 48,000 handmade hearts

6 people dropped hearts into the Capitol rotunda

6 people cleaned up hearts after the drop

2 legal observers attended the 48k Heart Drop and March Forth



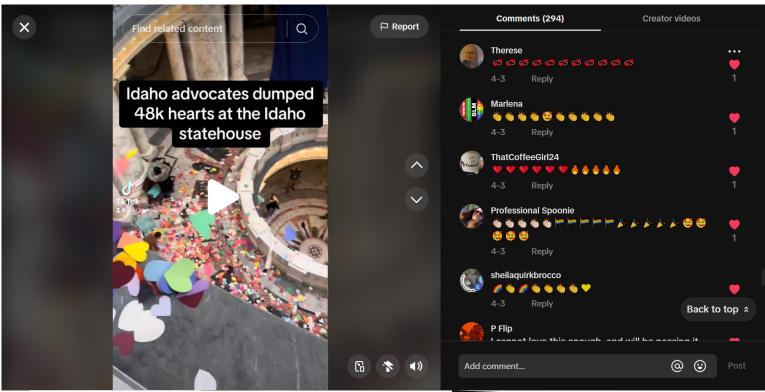
In 2024, we saw the fruits of a years-long, coordinated attack on LGBTQ+ folks, and trans youth in particular. Just four years ago, we filed a legal challenge when lawmakers began chipping away at transgender Idahoans' rights through a discriminatory ban on trans youth participation in sports. Today, in Idaho and beyond, trans folks' basic rights, including access to health care, are threatened. Lawmakers are bolder and more creative in launching attacks on the rights, freedoms, and dignity of our trans community — a community that remains vibrant despite ongoing, state-led hatred.

The March Forth and 48,000 Heart Drop events signal what's possible through organizing — and the incredible impact of investing in, learning from, and thinking with communities directly impacted by harmful legislation. Working alongside LGBTQ+ Idahoans, our team shared insights about our ongoing struggle against anti-LGBTQ+ bills. During these conversations, we stayed committed to centering the voices of those impacted, and worked hard to create and hold space for community to envision — and eventually lead — both actions.

Although we grieve alongside community in the aftermath of a harmful 2024 legislative session, we're heartened by witnessing a movement for justice grow in real time.

Huge numbers of supporters turned out to testify against anti-LGBTQ+ legislation. Religious leaders testified that trans people are souls worthy of dignity and respect. Parents of trans people fought hard to protect their children. Advocates demanded lawmakers cease attacking their trans neighbors. Finally, trans people bravely laid their humanity bare during public testimony.

Idaho's recent legislative shift aligns with a broader trend that has seen the increased influence and sophistication of well-funded extremist, far-right, and, increasingly Christian nationalist, activists. In Idaho, lawmakers openly describe close partnership with these groups; many of the most harmful bills in 2024 were written or co-written with extremist organizations.

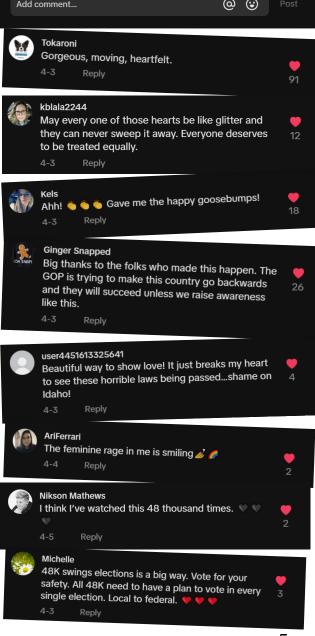


WHAT'S NEXT

We expect to see lawmakers find more creative ways to attack LGBTQ+ Idahoans in the future.

We noticed a theme of banning LGBTQ+-affirming materials under the guise of "protecting children." We expect more bills utilizing egregious government censorship to shame, harm, and stigmatize LGBTQ+ people next year, too.

Although the far-right is gaining traction, Idahoans have shown remarkable displays of political resistance. Data also tells us that most Idahoans support some level of access to abortion and most disagree with laws banning them. Abortion access is, at its core, an issue of government interference over bodily autonomy – just as, at its core, gender-affirming medical care is best understood as government overreach in incredibly personal decisions about one's health and body. The parallels between these two issues suggest public opinion about gender-affirming care will ultimately shift. Armed with this understanding, we are confident our efforts to support community-based organizing and broader public education are essential tools for envisioning — and creating — a more equitable and just Idaho. ■



MAJOR LGBTQ+ WINS AND LOSSES



Sponsored by Rep. Jordan Redman (R-Coeur d'Alene) & Sen. Carl Bjerke (R-Coeur d'Alene)

H.B. 419 would have created significant barriers to access Medicaid in Idaho and imposed a specific ban on transgender health care for Idahoans on Medicaid.

WIN

ACLU opposed Bill defeated

H.B. 567 — "Don't Say Gay"

Sponsored by Rep. Julianne Young (R-Blackfoot) & Sen. Ben Toews (R-Coeur d'Alene)

This bill would have prohibited any instruction on human sexuality, sexual orientation, or gender identity prior to fifth grade, a clear attack on LGBTQ+ visibility.

WIN

ACLU opposed Bill defeated

S.B. 1362 — Anti-LGBTQ+ Classroom Censorship

Sponsored by Sen. Chris Trakel (R-Caldwell) & Rep. Elaine Price (R-Coeur d'Alene)

S.B. 1362 sought to restrict the display of all flags in public schools except those chosen by the legislature. Restricting speech in public schools based on content – and explicitly targeting of the LGBTQ+ Pride flag and broader LGBTO+ community – runs afoul of the constitution.

WIN

ACLU opposed Bill defeated

S.B. 1329 — Medical Privacy Rollback

Sponsored by Sen. Kelly Anthon (R-Burley) & Rep. Barbara Ehardt (R-Idaho Falls)

This new law criminalizes medical professionals who provide care to Idahoans ages 14-18 without parental consent, endangering young people with abusive or hostile parents.

LOSS

ACLU opposed Signed into law

H.B. 668 — Restricted Transgender Medical Care

Sponsored by Rep. Julianne Young (R-Blackfoot) & Rep. Bruce Skaug (R-Nampa)

H.B. 668 severely limits certain transgender health care. Under the new law, Medicaid funds will no longer cover medications or surgeries to affirm a person's gender; and health care professionals cannot provide medication or surgeries to affirm trans folks' gender on state-owned properties.

LOSS

ACLU opposed Signed into law

H.B. 710 — Anti-LGBTQ+ Library Censorship

Sponsored by Sen. Chuck Winder (R-Meridian) & Rep. Mike Moyle (R-Star) & Rep. Jaron Crane (R-Nampa)

H.B. 710 censors materials in public and school libraries deemed "harmful" to youth, allowing individuals to demand relocation of such materials, sue for noncompliance, and categorize LGBTQ+ depictions as "harmful," thereby exceeding existing obscenity laws and chilling free speech.

LOSS

ACLU opposed Signed into law

H.B. 421 — "Sex" and "Gender" Redefined

Sponsored by Rep. Julianne Young (R-Blackfoot) & Rep. Bruce Skaug (R-Nampa)

H.B. 421 rewrites the legal definitions of male, female, mother, father, sex, and gender in ways that align with moral, rather than scientific, standards. The new definitions are not only inaccurate, but they functionally erase recognition of gender identity, ignore the biological nuances that attend being intersex, and directly conflict with federal protections under the U.S. Constitution, Title IX, and Title VII.

LOSS

ACLU opposed Signed into law

H.B. 538 — Protected Mis-Gendering & Deadnaming

Sponsored by Rep. Edward Hill (R-Eagle) & Sen. Chris Trakel (R-Caldwell)

H.B. 538 allows government employees (e.g., teachers, police) to refuse to use individuals' pronouns and names, when such pronouns and names reflect gender identities different from sex assigned at birth. Rather than protect speech, as proponents of the law suggested, the new law will simply enable bad-faith actors to persistently mistreat transgender or nonbinary individuals.

LOSS

ACLU opposed Signed into law

S.B. 1237 - Add the Words

Sponsored by Sen. Melissa Wintrow (D-Boise)

Despite 14 years of advocacy to add "gender identity" and "sexual orientation" to Idaho's Civil Rights Act and list of protected classes, the legislature again failed to pass the non-discrimination legislation this year.

LOSS

ACLU supported Bill defeated



REPRODUCTIVE JUSTICE

Since the overturning of Roe v. Wade, Idaho's extreme abortion ban has threatened the health and safety of pregnant Idahoans. And it's not just bodily autonomy that's at risk. Health care providers have fled the state, including most of Idaho's high risk pregnancy obstetricians. Bills meant to enshrine commonsense abortion access and protect in vitro fertilization failed. Lawmakers tried to replace the definition of "fetus" with the phrase "preborn child," in an apparent attempt to codify Christian morality and ignore medical accuracy. Thankfully, both attempts failed, as did an attempt to repeal existing exemptions for rape and incest from Idaho's near-total abortion ban.

And while Idaho continues to be the epicenter of draconian and dangerous abortion restrictions, we did celebrate several legislative wins related to reproductive justice. A law that extends postpartum Medicaid eligibility went into effect in late March, and as of July 1, 2024, Idahoans can now receive a six-month supply of birth control. We also saw the Maternity Mortality Review Committee come back a year after it was dissolved.

We expect attacks on bodily autonomy — whether through dangerous abortion-related laws or hateful bans on gender-affirming medical care to continue. As we await court decisions in legal challenges to Idaho abortion-related laws that criminalize speech and travel, we will continue to advocate for reproductive freedom for all.

REPRO JUSTICE BILLS WINS AND LOSSES

H.B. 400 — Redefine "fetus" and "embryo"

Sponsored by Rep. Julianne Young (R-Blackfoot) & Sen. Ben Toews (R-Coeur d'Alene)

H.B. 400 would have removed the terms "fetus" and "embryo" from Idaho law and replaced them with the term "pre-born child," which has no foundation or meaning in medical practice.

H.B. 381 — Redefine "fetus" (replaced by H.B. 400)

Sponsored by Rep. Julianne Young (R-Blackfoot) & Rep. Bruce Skaug (R-Nampa)

This earlier version of H.B. 400 would have removed the terms "fetus" from Idaho law and replaced them with the term "pre-born child."

S.B. 1234 — Six Months of Birth Control

Sponsored by Sen. Melissa Wintrow (D-Boise) & Rep. Jack Nelsen (R-Jerome)

This bill allows Idahoans to have up to six months of birth control at a time, instead of renewing each month.

NOTABLE WINS

Religious, rather than medical, health care definitions

Idaho lawmakers made two attempts to codify Christian-defined and medically inacurrate definitions of stages of pregnancy. Both attempts failed. Each iteration of the bills tried to erase the definitions of "embryo" and "fetus" in Idaho law and replace them with "preborn child," which would have far-reaching negative impacts to the way medical providers treat pregnant patients.

Six months of birth control

This year, S.B. 1234 finally became law — a victory that advocates have been trying to acheive for more than five years in the statehouse. In a landscape that is increasingly hostile to people deciding whether or not to start a family, this is a much-needed win.

WIN

ACLU opposed Bill defeated

WIN

ACLU opposed Bill defeated

WIN

ACLU supported Signed into law

S.B. 1229 — Remove Rape and Incest Exemptions for Abortion

Sponsored by Sen. Scott Herndon (R-Sagle) & Sen. Dan Foreman (R-Moscow)

This iteration of a few bills aimed at making abortion harder to access, S.B. 1229 aimed to remove rape and incest exceptions from Idaho's near-total abortion ban.

WIN

ACLU opposed Bill defeated

S.B. 1449 — Ban on Advertising for Abortion and Marijuana

Sponsored by Sen. Scott Herndon (R-Sagle) & Sen. Treg Bernt (R-Meridian)

This bill proposed a ban on the advertisement in any form of a service or product that is illegal in Idaho, such as abortion and marijuana.

WIN

ACLU opposed Bill defeated

H.B. 399 — Revive Maternity Mortality Review Commitee

Sponsored by Rep. Megan Blanksma (R-Hammett)

This bill adds to existing law to authorize the Board of Medicine to collect and report data on maternal mortality rates by establishing a committee, which had previously dissolved in 2023.

WIN

ACLU supported Signed into law

H.B. 633 — Extended Postpartum Eligibility

Sponsored by Rep. Megan Blanksma (R-Hammett)

This bill adds to existing law to modify eligibility for public assistance for pregnant patients by extending care to 12 months postpartum for all patients eligible to receive Medicaid.

WIN

ACLU supported Signed into law

H.B. 666 — Sex Education Censorship

Sponsored by Rep. Bruce Skaug (R-Nampa)

This bill, which was co-written by David Ripley of Idaho Chooses Life, amends existing law to prohibit materials or instruction about sex education curricula if produced by an entity that provides abortions.

LOSS

ACLU opposed Signed into law

H.B. 721 — Restoring Abortion

Sponsored by Rep. Ilana Rubel (D-Boise)

H.B. 721 would have repealed Idaho's various bans on abortion, including the criminalization of abortion and the criminal liability to medical professionals who provide abortion.

LOSS

ACLU supported Bill defeated





CRIMINAL JUSTICE REFORM

NOTABLE WINS

Major victories with proactive bills becoming law

We celebrated the passing of H.B. 654, which ensures fair pay and benefits for incarcerated workers — a huge step in protecting prisoners' rights.

We were also heartened to see lawmakers pass a bill to legalize fentanyl testing strips. This is a win for needed harm reduction strategies in stopping overdose deaths.

Unnecessary increases in punishment defeated

Thankfully, lawmakers rebuked multiple attempts to expand the death penalty for cases of lewd conduct with a minor — a scenario the U.S. Supreme Court has already ruled unconstitutional. Twice.

There were also multiple attempts to further criminalize marijuana through additional fines and mandatory sentences, despite national progress toward decriminalization and drug policy reform. There were several bills that would have expanded Idaho's Attorney General's power – whether by granting authority to investigate and prosecute local officials, by infringing on the Secretary of State's authority to oversee elections, or through increased power in Idaho's ballot initiative process. All bills were defeated.

In 2024, Idaho's legislature passed House Bill 406, a move that willfully ignores decades of evidence that mandatory minimums are ineffective against drug use and come with sizeable social and economic costs.

What's more, proponents of H.B. 406 relied on disturbing racist rhetoric and bullying tactics to get the bill passed. Dubbed "the fentanyl bill," H.B. 406 conflates users and dealers by imposing drug trafficking charges for mere possession, without any regard for whether a person actually intended to sell the drug. It also includes a "murder by overdose" provision, which allows prosecutors to treat drug-related deaths as criminal killings — and without any carve-outs for youth (folks aged 14 and older can be charged).

Debate was marred by unsettling displays of influence and intimidation, including a strong police presence during committee hearings and warnings from Idaho's Attorney General and Secretary of State regarding threatening and coercive lobbying tactics. Lawmakers even used debate to express feeling intense pressure to support the bill.

Investigative journalists later linked the new law to a political action committee (PAC), illustrating just how powerful outside, far-right influences have become in Idaho's legislative processes. The 2024 legislature seemed to cow to national extremist agendas at the expense of evidence-based approaches like harm reduction and needle exchange programs.





It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest.

— Nelson Mandela

"

WHAT'S NEXT

Based on the racist rhetoric fueling bad criminal justice bills, we expect immigrants will remain a political scapegoat – and that the dignity and rights of immigrants, Latines, and other communities of color will continue to be used as collateral, often for the sole purpose of gaining political points.

In 2024, lawmakers prioritized criminalization, punitive laws, and blanket sentencing to the detriment of our legal system and democracy. They rationalized these choices using tough-on-crime, inflammatory, and at times outright discriminatory language.

Any reform in Idaho's criminal justice system demands our lawmakers speak out and stand up against increased punishment, including for matters of poverty and mental health; it requires lawmakers govern to protect civil rights and liberties, rather than governing to gain power through tired, harmful, and performative political rhetoric.

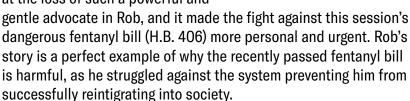


Robin Crisler July 1976 - October 2023

Robin "Rob" Crisler was a long-time dedicated volunteer with the ACLU of Idaho, fighting for criminal justice reform.

Tragically, Rob lost his life to a fentanyl overdose in October 2023.

ACLU of Idaho staff were devastated at the loss of such a powerful and



Everyone at the ACLU of Idaho wishes to thank Rob's mother, Cheryl, for continuing her son's work and sharing his story. Our gratitude and condolences go out to his entire family.



CRIMINAL JUSTICE BILLS WINS AND LOSSES

H.B. 441 — Legalized Fentanyl Testing Strips

Sponsored by Rep. Ilana Rubel (D-Boise) & Rep. Marco Adam Erickson (R-Idaho Falls)

H.B. 441 is a commonsense harm reduction bill that removes fentanyl testing strips from the list of items considered "drug paraphernalia" — a move that will undoubtedly save lives.

WIN

ACLU supported Bill passed

H.B. 515 — Unconstitutional Expansion of the Death Penalty

Sponsored by Rep. Bruce Skaug (R-Nampa) & Rep. Josh Tanner (R-Eagle)

Lawmakers made multiple attempts to expand the death penalty for sex crimes involving minors despite U.S. Supreme Court precedent, but all failed.

WIN

ACLU opposed Bill defeated

H.B. 606 — Further Criminalization of Marijuana

Sponsored by Rep. Bruce Skaug (R-Nampa) & Rep. Jordan Redman (R-Coeur d'Alene)

This bill proposed a mandatory fine and minimum sentence for possession of small quantities of marijuana, which would have done little more than exacerbate serious civil rights issues in Idaho's courts, jails, and prisons.

WIN

ACLU opposed Bill defeated

H.B. 654 — Incarcerated Workers' Rights

Sponsored by Rep. Bruce Skaug (R-Nampa) & Rep. Marco Adam Erickson (R-Idaho Falls)

This bill is a small step forward for prisoners' rights in Idaho; it stipulates employers must pay incarcerated folks the same wages as any other employee and offer the same benefits and worker protections.

WIN

ACLU supported Signed into law

S.B. 1229 — Increasing Idaho's Extreme Abortion Ban

Sponsored by Sen. Scott Herndon (R-Sagle) & Sen. Dan Foreman (R-Viola)

This extreme, draconian bill would have further restricted Idaho's already dangerously narrow abortion ban carve-outs; it would have made it crime to provide an abortion even for victims of rape or incest.

WIN

ACLU opposed Bill defeated

H.B. 406 — Mandatory Minimums for Fentanyl

Sponsored by Rep. Edward Hill (R-Eagle) & Rep. Chris Allgood (R-Caldwell) & Sen. Todd Lakey (R

H.B .406 imposes mandatory sentences for fentanyl possession and introduces a "drug-induced homicide" felony. Rather than address our state's opioid crisis, the new law will only increase incarceration and erode judges' ability to make fact-based, individualized sentencing decisions.

LOSS

ACLU opposed Signed into law

H.B. 617 — Repeal of Needle Exchange Programs

Sponsored by Rep. John Vander Woude (R-Nampa)

This senseless, punitive law repeals Idaho's needle exchange program, a huge backpedal for public health and substance abuse disorder treatment. The repeal will eliminate desperately needed essential services, and severely undermines scientifically proven, life-saving harm reduction efforts.

LOSS

ACLU opposed Signed into law

ANTI-IMMIGRANT LEGISLATION



Although anti-immigrant sentiment has increased in recent years, the 2024 Idaho legislature introduced and passed bills that seemed more explicitly hateful than ever. Debates included overt and blatantly racist language that perpetuate discrimination and, therefore, threaten and erode the very principles of our democracy.

Anti-immigrant rhetoric in Idaho contributes to a climate of fear about and within our Latinx communities. Lawmakers' attempts to deputize local law enforcement as federal agents contributes to the ongoing over-policing and disproportionate punishment of our Latinx neighbors. The 2024 slate of legislation also suggests lawmakers are willing to amplify performative political talking points (e.g., a hyperfocus on the U.S.-Mexican border) even at the expense of immigrants' fundamental rights.

The over-generalization and mischaracterization of our immigrant and broader Latinx communities is not only flagrantly inaccurate, it also ignores the countless ways Latinx communities enrich our state and fortify Idaho's social fabric. More importantly, such bills are expressly harmful – and without any obvious benefit for the lives or livelihoods of Idahoans.

WHAT'S NEXT

The essential rights of equal protection and due process enshrined in our Constitution and Bill of Rights apply to all, regardless of immigration status. We will not stop working to protect and defend these rights for immigrants in Idaho. We also recognize the November 2024 election will shape our strategy; Idaho Republicans are already running campaigns based in part on anti-immigrant sentiment.

Although we successfully fought the bulk of 2024's racist legislation, we expect further attacks on folks without work authorization will be a main target for harmful bills next year.

We will monitor Florida, Texas, Arizona, Tennessee and other conservative states for model legislation likely to appear in Idaho next year. ■

NOTABLE WIN

Harmful anti-immigrant bill defeated

We were outraged with the introduction of House Bill 615, an unprecedented attempt to restrict immigrants from accessing publicly available care and services, including emergency medical services, crisis support, and even emergency food and medical services for children. Elected officials should govern in ways that make Idaho better, not threaten the rights and safety of any community for political gains.

IMMIGRANT JUSTICE WINS AND LOSSES



H.B. 615 — Restricted Health Care for Immigrants

Sponsored by Sen. Phil Hart (R-Kellogg) & Rep. Vito Barbieri (R-Dalton Gardens)

H.B. 615 aimed to restrict access to public health benefits for immigrants, including emergency and non-emergency medical care, pre/post-natal care, domestic violence and crisis support, and even immunizations.

WIN

ACLU opposed Bill defeated

H.B. 756 — Pre-Emptive Attack on Immigrant Workers

Sponsored by Rep. Chris Trakel (R-Caldwell) & Rep. Judy Boyle (R-Midvale)

H.B. 756 sought to block public spending on issuing identification to undocumented individuals, including "restricted" driver's licenses — despite Idaho not currently providing such IDs — while also attempting to grant local law enforcement federal agent authority, an excessive expansion of power.

WIN

ACLU opposed Bill defeated

H.B. 464 — Performative Anti-Immigrant "Border" Bill

Sponsored by Sen. Phil Hart (R-Kellogg) & Rep. Tony Wisniewski (R-Post Falls)

H.B. 464 would have allowed our governor to develop and execute an interstate compact for additional "security" at the U.S.-Mexico border. Not only is immigration a strictly federal matter, any "support" furnished by this law would have been funded with Idaho taxpayer dollars.

WIN

ACLU opposed Bill defeated

H.B. 753 — Needless State-Level Immigration Crimes

Sponsored by Rep. Jaron Crane (R-Nampa) & Rep. Bruce Skaug (R-Nampa)

H.B. 753, a copycat bill imported from Texas, would have created a state crime for unlawful entry to Idaho — an offense already handled by federal law — while granting unconstitutional authority to state officials to enforce federal immigration rules.

WIN

ACLU opposed Bill defeated

H.J.M. 8 — Call for Increased U.S.-Mexico Border Security

Sponsored by Rep. Dale Hawkins (R-Fernwood) & Sen. Glenneda Zuiderveld (R-Twin Falls)

House Joint Memorial 8 (HJM 8) relied on racist, nativist, and explicitly anti-immigrant language to advocate for further militarization of the U.S.-Mexico border.

WIN

ACLU opposed Memorial defeated

H.J.M. 11 — Call to Impeach Biden Over Lack of Immigrant Cruelty

Sponsored by Rep. Dale Hawkins (R-Fernwood) & Sen. Glenneda Zuiderveld (R-Twin Falls)

House Joint Memorial 11 (H.J.M. 11) called on Congress to impeach President Biden for repealing the "Remain in Mexico" policy, which forced asylum applicants to remain unprotected even after establishing legitimate, legally credible fear screenings with U.S. immigration officials.

WIN

ACLU opposed Memorial defeated

H.B. 628 — Voting for Idaho Residents Only After 30 Days

Sponsored by Rep. Joe Alfieri (R-Coeur d'Alene)

H.B. 648 would have created new voter qualifications in Idaho: voters would have to establish something called "Idaho citizenship," renounce citizenship of any other U.S. state, and be present in Idaho for at least 30 days. The bill also explicitly (and redundantly) stated only U.S. citizens are qualified to vote.

WIN

ACLU opposed Bill defeated

H.J.R. 5 — Redundant Anti-Immigrant Voter Restrictions

Sponsored by Rep. Kevin Andrus (R-Lava Hot Springs) & Sen. Doug Okuniewicz (R-Hayden)

House Joint Resolution 5 (H.J.R. 5) introduced a needless ban on non-citizen voting, despite extant election rules that limit voting to U.S. citizens. In addition to solving an imaginary problem, proponents of the bill relied on inflammatory language that fuels discrimination and falsely associates Latine Idahoans with voter fraud.

LOSS

ACLU opposed Resolution adopted

S.J.M. 102 — Performative Anti-Immigrant Statement

Sponsored by Sen. Jim Guthrie (R-McCammon) & Sen. Kelly Arthur Anthon (R-Burley)

Senate Joint Memorial 102 (SJM 102) was a largely symbolic plea to the federal government for heightened border protection, linking ongoing drug crises and human trafficking to immigration.

LOSS

ACLU opposed Memorial adopted

H.R. 6 — Supporting Texas' Cruelty at the Border

Sponsored by Rep. Joe Alfieri (R-Coeur d'Alene)

House Resolution 6 (H.R. 6) supported Texas's S.B. 4, an unconstitutional bill that's been blocked by the courts, that allows states to enforce federal immigration law. Idaho's H.R. 6, other than increasing racist and nativist sentiment in our state, would have likely had few material impacts.

LOSS

ACLU opposed Resolution adopted











ANTI-DEI/DOMESTIC TERRORISM BILLS

While attacks on DEI (DEI is an acronym for diversity, equity, and inclusion) and legislation redefining domestic terrorism deal with very different issues, both are, at their core, matters of censorship. Anti-DEI and domestic terrorism legislation do more than undermine our speech rights, however. These kinds of bills work to revise history, enshrine white supremacy, and perpetuate systemic discrimination and oppression.

If our country's history of violent racism is erased, then there seems to be no danger in a vigilante group of white men taking up arms to deputize themselves against things they disagree with.

The ongoing, nationwide "anti-wokeness" campaign is viciously defended by far-right extremists. Weaponizing the ideals of diversity and inclusion and emboldening nationalist militia and home-grown terrorists, in practice, serves only to protect the views of those in power – and punish or erase any dissent. To be clear, the Constitution was intentionally crafted to protect the rights of people who may not fit into the dominant social, political, or religious majority.

In the case of this year's domestic terrorism bill, the Idaho state legislature proposed a definition of domestic terrorism that required a connection to a foreign entity. In practice, the bill would have led to even more surveillance and policing of activists and organizers of color, while granting even more protections and impunity to Idaho's notorious and deadly domestic terrorist groups.

Similarly, this year's militia bills would have predictable consequences: white supremacists and other extremist vigilante groups could form around racist, conspiratorial, and other dangerous ideals – and expect government protection for violent acts.

Lawmakers also passed a law that grants church-based security guards supplemental civil and legal immunity, a law that punishes the private sector for engaging in boycotts or other political protests. Such censorship runs afoul of the U.S. constitution. Crucially, such content-based censorship also undermines Idaho's distinct and cherished safeguards against government interference in matters of individual rights, freedoms, and beliefs.



NOTABLE WINS

Most anti-DEI bills failed

SB 1357, the most blatant attack on diversity, equity, and inclusion (DEI) of 2024, sparked media attention and public outcry - and for good reason. The legislation would have functionally eliminated all university-level programs and resources defined by the bill as "DEI." Not only do anti-DEI efforts like SB 1357 raise serious constitutional concerns, they also undermine decadeslong progress towards racial equity and social justice. And while most anti-DEI censorship bills failed this year, we know our struggle to preserve academic freedom, speech rights, and racial equity is far from over.

Domestic terrorism and militia bills failed

Idaho lawmakers made several unsuccessful attempts to pass a dangerous, overbroad, and discriminatory "domestic terrorism" law. The legislation aimed to redefine domestic terrorism in ways that would, on the one hand, mandate harsher punishments for crimes that are already illegal – with predictable downstream threats to fundamental speech rights. Troublingly, the bill would have also upended current protections against actual home-grown terrorists, effectively sanctioning violence from our state's notorious, and deadly, hate groups.

The state legislature's penchant for censorship, troublingly, is aligned with Idaho's well-known white nationalists and other extremists. One group openly admitted to co-writing the 2024 domestic terrorism bill. Despite addressing varied issues, censorship bills have the same effect: They tell people "believe what we believe or pay the price."

WHAT'S NEXT

Idaho lawmakers' continued attempts to censor and restrict certain views, while emboldening others, poses very real threats to our precious civil rights and freedoms. Censorship also poses real, material threats for folks that are different, have contrasting belief systems than those in power, or simply disagree with the government. The power of the people is strengthened when all have equal access to peaceful protest and assembly, freedom of expression, freedom of religion, and access to information free from government censorship.

ANTI-DEI/TERRORISM BILLS WINS AND LOSSES

S.B. 1220 — Redefining "Domestic Terrorism" to Protect Hate Groups

Sponsored by Sen. Kelly Arthur Anthon (R-Burley)

SB 1220 (and later, HB 623) aimed to redefine "domestic terrorism" to render extant anti-terrorism law useless against U.S.-based terrorist groups, while also threatening legitimate speech and protest rights.

ACLU opposed Bill defeated

WIN

S.B. 1357 — Censoring Inclusive Higher Ed Programs

Sponsored by Sen. Brian Lenney (R-Nampa) & Sen. Scott Herndon (R-Sagle)

This bill attempted to ban public funding for DEI programs at public and private universities. In practice, the bill would have eliminated any efforts to improve systemic inequality in higher ed, including educational programs on race, gender, and sexuality.

WIN

ACLU opposed Bill defeated

H.B. 669 — Restricting Inclusivity in the Private Sector

Sponsored by Rep. Josh Tanner (R-Eagle)

Stylized as an anti-discrimination law, this bill aimed to ban "social credit scores" in investment and lending decisions. Generally, social credit scores involve non-financial factors (e.g., potential social and environmental impacts) as a component of financial risk and liability assessments.

WIN

ACLU opposed Bill defeated

S.B. 1240 — Allowing Militia in Idaho

Sponsored by Sen. Scott Herndon (R-Sagle) & Sen. Daniel Foreman (R-Moscow)

This bill would have upended the Idaho and U.S. Constitutions by allowing private militia, including groups like the Aryan Nations, to self-organize military-style activities. The bill included no guardrails to prevent armed, paramilitary groups from threatening or intimidating, for instance, voters at the poll or folks attending a Pride celebration.

WIN

ACLU opposed Bill defeated

S.B. 1449 — Censoring Commercial Speech

Sponsored by Sen. Scott Herndon (R-Sagle) & Sen. Treg Bernt (R-Meridian)

This bill would have banned advertising of goods or services that are illegal in Idaho. The bill appeared to target marijuana and abortion.

WIN

ACLU opposed Bill defeated

H.B. 548 — Unlawful, Anti-Public Health Militia

Sponsored by Rep. John Gannon (D-Boise)

Senate Joint Memorial 102 (SJM 102) was a largely symbolic plea to the federal government for heightened border protection, linking ongoing drug crises and human trafficking to immigration.

WIN

ACLU opposed Bill defeated

S.B. 1274 — Ban on Higher Ed Diversity Statements

Sponsored by Sen. Treg Bernt (R-Meridian) & Rep. James Petzke (R-Meridian)

This bill rolls back progress toward educating equity through a ban on diversity statements in higher ed. For decades, colleges and universities have used diversity statements as a tool to acknowledge and improve systemic barriers to higher education, particularly for students of color, first-generation college students, and other historically marginalized and excluded groups.

LOSS

ACLU opposed Signed into law

S.B. 1291 — Anti-boycotting bill

Sponsored by Sen. Doug Ricks (R-Rexburg)

This bill, while narrow in scope, restricts speech by banning public agencies from doing business with private sector companies engaged in boycotts or other divestment-based protest.

LOSS

ACLU opposed Signed into law



LEGISLATIVE BILL TRACKER/SCORECARD

The following scorecard features just a handful of bills we tracked during the 2024 legislative session, using our own bill tracker powered by FastDemocracy. This bill tracker is an invaluable tool for political education; it enables all Idahoans to chart and follow legislation that impacts civil rights and liberties.



Fields with Liberty Torch voted with ACLU-ID Fields left blank opposed the ACLU's stance



Fields with "A" indicate lawmaker was absent during vote

H.B. 668
Restricted Trans
Medical Care

H.B. 710
Anti-LGBTQ+ Library Censorship

H.B. 421
Sex and Gender Redefined

S.B. 1329

Medical Privacy
Rollback

H.B. 538
Protected Misgendering and Deadnaming

6 H.B. 406 Mandatory Minimums for Fentanyl

7 H.B. 464
Anti-Immigrant
Border Enforcement

S.B. 1220

Redefining Domestic
Terrorism to Protect Hate

S.B. 1274
Ban on Higher Ed
Diversity Statements

S.B. 1234
Six Months of Birth Control

SENATE	1	2	3	4	5	6	7	8	9	10	%
Ben Adams (R, Nampa)	Α						-				0
Kelly Anthon (R, Burley)							NO SENATE VOTE				0
Treg Bernt (R, Meridian)		7					ENAT			7	22
Carl Bjerke (R, Coeur d'Alene)							E VO				0
Van Burtenshaw (R, Terreton)							H			7	11
Cindy Carlson (R, Riggins)											0
Kevin Cook (R, Idaho Falls)							S ON			7	11
Daniel Foreman (R, Moscow)							NO SENATE VOTE	7			11
C. Scott Grow (R, Eagle)							TE VC				0
Jim Guthrie (R, McCammon))TE			7	11
Mark Harris (R, Soda Springs)											0
Phil Hart (R, Kellogg)						7	NO 8				11
Linda Wright Hartgen (R, Twin Falls)		7			7		NO SENATE VOTE			7	33
Lori Den Hartog (R, Meridian)							TE V			7	11
Scott Herndon (R, Sagle)							OTE.				0
James "Rick" Just (D, Boise)	7	7	7	¥	7	7		¥	7	7	100
Todd Lakey (R, Nampa)							NO				0
Abby Lee (R, Fruitland)	7	7	7		7		SENA		7	7	67
Brian Lenney (R, Nampa)							NO SENATE VOTE				0
Dave Lent (R, Idaho Falls)							OTE			7	11
Tammy Nichols (R, Middleton)											0
Doug Okuniewicz (R, Hayden)											0
Ali Rabe (D, Boise)	7	7	7	7	7	7	NO S	7	7	7	100
Doug Ricks (R, Rexburg)							NO SENATE VOTE				0
James Ruchti (D, Pocatello)	7	7	7	7	7	7	TE VC	7	7	7	100
Geoff Schroeder (R, Mountain Home)			Α	A	Α)TE			7	17
Carrie Semmelroth (D, Boise)	7	7	7	7	7	7		7	7	7	100

7
V

Liberty Torch indicates lawmaker voted with ACLU-ID

Blank field indicates lawmaker vote opposed ACLU-ID's stance

A

Letter "A" indicates lawmaker was abesnt during vote

SENATE											
CONTINUED	1	2	3	4	5	6	7	8	9	10	%
Ron Taylor (D, Hailey)	7	7	7	7	7	7		7	7	7	100
Ben Toews (R, Coeur d'Alene)							_			,	0
Chris Trakel (R, Caldwell)							10 SE			7	11
Julie VanOrden (R, Pingree)		7					NAT			7	22
Janie Ward-Engelking (D, Boise)	7	7	7	7	7	7	NO SENATE VOTE	7	7	7	100
Chuck Winder (R, Meridian)							一品			7	11
Melissa Wintrow (D, Boise)	7	7	7	7	7	7		7	7	7	100
Glenneda Zuiderveld (R, Twin Falls)											0

H.B. 668
Restricted Trans
Medical Care

H.B. 710
Anti-LGBTQ+ Library Censorship

H.B. 421
Sex and Gender Redefined

4. S.B. 1329
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Rollback

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H.B. 406

Mandatory Minimums for Fentanyl

7 Anti-Immigrant Border Enforcement

S.B. 1220
Redefining Domestic
Terrorism to Protect Hate

S.B. 1274

Ban on Higher Ed
Diversity Statements

S.B. 1234
Six Months of Birth Control

HOUSE	1	2	3	4	5	6	7	8	9	10	%
Todd Achilles (D, Boise)	7	7	Not in Seat yet	7	7	Not in Seat yet	7		7	7	100
Joe Alfieri (R, Coeur d'Alene)								N			0
Chris Allgood (R, Caldwell)								HO!		7	11
Kevin Andrus (R, Lava Hot Springs)						7		NO HOUSE VOTE			11
Vito Barbieri (R, Dalton Gardens)						7		OTE			11
Steve Berch (D, Boise)	7	7	7	7	7	7	Α		7	7	100
Megan Blanksma (R, Hammett)											0
Judy Boyle (R, Midvale)								NO			0
Matt Bundy (R, Mountain Home)								NO HOUSE VOTE		7	11
Ned Burns (D, Bellevue)	7	7	7	7	7	Α	7	E VO	7	7	100
David Cannon (R. Blackfoot)								🗎			0
Rick Cheatum (R, Pocatello)							7			7	22
Sue Chew (D, Boise)	7	7	7	7	7	7	7		7	7	100
Lance Clow (R, Twin Falls)								NO		7	11
Jeff Cornilles (R, Nampa)								NO HOUSE VOTE		7	11
Brent Crane (R, Nampa D-13)								E VO			0
Jaron Crane (R, Nampa D-12)							Α	<u> </u>			0
Chenele Dixon (R, Kimberly)		7					7			7	33
Sage Dixon (R, Ponderay)											0
Melissa Durrant (R, Kuna)								N		7	11
Barbara Ehardt (R, Idaho Falls)								NO HOUSE VOTE			0
Jeff Ehlers (R, Meridian)								SE V			0
Marco Erikson (R, Idaho Falls)) E		7	11
Rod Furniss (R, Rigby)							7			7	22
Soñia Galaviz (D, Boise)	7	7	7	7	7	7	7		7	7	100
Jacyn Gallagher (R, Weiser)								N			0
John Gannon (D, Boise)	7	7	7	7	7	7	7	NO HOUSE VOTE	7	7	100
Dan Garner (R, Clifton)		7	7				7	SE VI		7	44
Brooke Green (D, Boise)	7	7	7	7	7	A	7	310	7	7	100
Clay Handy (R, Burley)		7					·				11

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v	

Liberty Torch indicates lawmaker voted with ACLU-ID

Blank field indicates lawmaker vote opposed ACLU-ID's stance

A

Letter "A" indicates lawmaker was abesnt during vote

1

H.B. 668

Restricted Trans Medical Care

H.B. 710

Anti-LGBTQ+ Library Censorship

Jason Monks (R, Meridian) Mike Moyle (R, Star)

Colin Nash (D, Boise)**

3

H.B. 421

Sex and Gender Redefined

4

S.B. 1329

Medical Privacy Rollback

5

H.B. 538

Protected Misgendering and Deadnaming

6

H.B. 406

Mandatory Minimums for Fentanyl

H.B. 464

Anti-Immigrant Border Enforcement

8

S.B. 1220

Redefining Domestic Terrorism to Protect Hate

9

S.B. 1274

Ban on Higher Ed **Diversity Statements**

S.B. 1234

Six Months of Birth Control

HOUSE CONTINUED 1 2 3 4 8 9 5 6 7 10 % 0 Dale Hawkins (R, Fernwood) NO HOUSE Dori Healy (R, Boise) 0 Ted Hill (R, Eagle) 0 VOTE James Holzclaw (R, Meridian) 0 Wendy Horman (R, Idaho Falls) 0 Mike Kingsley (R, Lewiston) 0 Tina Lambert (R, Caldwell) 0 NO HOUSE VOTE 38 Greg Lanting (R, Twin Falls) A Ŧ 7 22 Dustin Manwaring (R, Pocatello) 7 100 Chris Mathias (D. Boise) 22 Ŧ Lori McCann (R, Lewiston) 7 Ron Mendive (R, Coeur d'Alene) 11 7 Ŧ 33 Stephanie Jo Mickelsen (R, Idaho Falls) NO HOUSE VOTE A Steve Miller (R, Fairfield) 14 Brandon Mitchell (R, Moscow) 0

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Achilles

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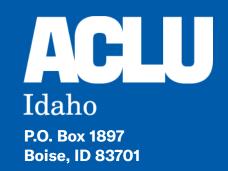
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100

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Achilles

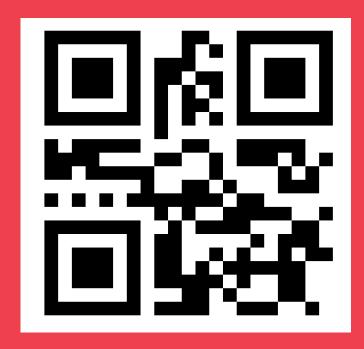
Achilles



2024 Legislative Report and Scorecard

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