

## SUMMARY AND ANALYSIS OF HB 198

### This bill:

- Cuts local control over public safety priorities and limited law enforcement resources.
- Requires the Attorney General to respond to complaints from throughout the state about any Idaho governmental entity (including cities, counties, and their respective law enforcement agencies).
- Exposes Idaho cities, counties, and law enforcement to legal liability and potential loss of sales tax revenue for complying with unconstitutional requests by federal officials to detain Idahoans.
- Withholds a portion of sales tax revenue for governmental entities who choose not to comply with unconstitutional federal or state immigration policies, or unconstitutional requests on behalf of federal immigration officials.

### Section-by-section analysis

Idaho Code 19-5901 – legislative intent: This section states that this legislation is intended to direct local and state law enforcement to cooperate with federal immigration policy to enforce immigration and customs orders or warrants.

Idaho Code 19-5902 – definitions: This section defines terms used throughout the legislation. “Immigration laws” is defined to include federal laws related to immigrants or immigration and “governmental entities” includes cities and or counties.

Idaho Code 19-5903 – school and hospital exemption: This section exempts school districts, charter schools, and hospitals from the requirements in the statute.

Idaho Code 19-5904 – sanctuary policy ban: This section prohibits sanctuary policies anywhere in the state. The State and all counties, cities, and other localities are prohibited from following any policies that discourage enforcement of immigration laws. This mandates that immigration enforcement becomes the top priority for cities, counties, colleges, universities or state agencies and penalizes those entities which choose not to comply with potentially unconstitutional federal immigration policy.

Idaho Code 19-5905 – Attorney General enforcement: This section allows anyone to complain to the Idaho Attorney General about noncompliance with the statute. The Attorney General has to investigate every complaint and determine whether it is “valid.” If valid, the AG can take court action to compel the governmental entity to comply with the statute. If the AG has initiated an investigation into a governmental entity, that entity must supply the AG a copy of:

- Its policies for immigration enforcement;
- Each immigration detainer or warrant received by the U.S. Department of Homeland Security;
- Each response the entity sent for a detainer received by the U.S. Department of Homeland Security.

Idaho Code 19-5906 – denial of sales tax funds: This section prohibits communities from receiving a portion of their state sales tax revenue if they either adopt policies or merely follow practices that discourage enforcement of immigration laws. Counties will lose their sales tax revenue based on what the elected sheriff in that county does, even if the county itself did not sign off on the sheriff’s practices.