

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 61
COMPLIANCE WITH IMMIGRATION LAW

19-6101. DEFINITIONS. As used in this chapter:

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

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

(3) "Political subdivision" means any county, city, municipal corporation, health district, school district, irrigation district, operating agent of any irrigation district whose board consists of directors of its member districts, special improvement or taxing district, or any other political subdivision or public corporation. As used in this chapter, "county" and "city" also mean state-licensed hospitals and attached nursing homes established by counties pursuant to [chapter 36, title 31](#), Idaho Code, or jointly by cities and counties pursuant to [chapter 37, title 31](#), Idaho Code.

(4) "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality thereof.

[(19-6101) 19-6001, added 2023, ch. 263, sec. 1, p. 788; am. and re-desig. 2024, ch. 16, sec. 4, p. 136.]

19-6102. LOCAL GOVERNMENT POLICY REGARDING IMMIGRATION ENFORCEMENT. (1) A governmental entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws.

(2) In compliance with subsection (1) of this section, a governmental entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney, and who is employed by or otherwise under the direction or control of the entity, from doing any of the following:

(a) Inquiring into the immigration status of a person under a lawful detention or under arrest;

(b) With respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest:

(i) Sending the information to, or requesting or receiving the information from, United States citizenship and immigration services or United States immigration and customs enforcement, including information regarding a person's place of birth;

(ii) Maintaining the information; or

- (iii) Exchanging the information with another governmental entity, including a federal or state governmental entity;
- (c) Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or
- (d) Permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws.

[(19-6102) 19-6002, added 2023, ch. 263, sec. 1, p. 788; am. and redesign. 2024, ch. 16, sec. 4, p. 137.]

19-6103. COMPLAINT -- EQUITABLE RELIEF. (1) Any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a governmental entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws. The person must include with the complaint the evidence the person has that supports the complaint.

(2) If the attorney general determines that a complaint filed under subsection (1) of this section against a governmental entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Ada county, or in a county in which the principal office of the entity is located, to compel the entity that adopts, enforces, or endorses a policy under which the governmental entity prohibits or discourages the enforcement of immigration laws or that, by consistent actions, prohibits or discourages the enforcement of those laws to comply with section [19-6102](#), Idaho Code. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

[(19-6103) 19-6003, added 2023, ch. 263, sec. 1, p. 789; am. and redesign. 2024, ch. 16, sec. 4, p. 137.]