

House File 2219 - Introduced

HOUSE FILE 2219

BY STAED

A BILL FOR

- 1 An Act providing procedures for responses by local law
- 2 enforcement agencies to certain requests from United States
- 3 immigration and customs enforcement.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 823.1 Definitions.

2 For the purposes of this chapter, unless the context
3 otherwise requires:

4 1. "*Hold request*" means a request by federal immigration
5 and customs enforcement that a local law enforcement agency
6 maintain custody of an individual currently in the agency's
7 custody beyond the time the individual would otherwise be
8 eligible for release from custody in order to facilitate
9 transfer to federal immigration and customs enforcement, and
10 includes but is not limited to United States department of
11 homeland security form I-247D.

12 2. "*Immigration and customs enforcement access*" means access
13 to an individual by United States immigration and customs
14 enforcement for the purposes of civil immigration enforcement,
15 including when an individual is stopped with or without their
16 consent, arrested, detained, or otherwise under the control
17 of the local law enforcement agency. "*Immigration and customs*
18 *enforcement access*" includes all of the following:

19 a. Responding to a hold, notification, or transfer request
20 by United States immigration and customs enforcement.

21 b. Providing notification to United States immigration and
22 customs enforcement that an individual is being or will be
23 released at a certain date and time through data sharing or
24 other means in advance of public notification.

25 c. Providing United States immigration and customs
26 enforcement information that is not publicly available
27 regarding release dates, home addresses, or work addresses,
28 whether through computer databases, jail logs, or other means.

29 d. Allowing United States immigration and customs
30 enforcement to interview an individual.

31 e. Providing United States immigration and customs
32 enforcement information regarding dates and times of probation
33 or parole check-ins.

34 3. "*Notification request*" means a United States immigration
35 and customs enforcement request that a local law enforcement

1 agency inform United States immigration and customs enforcement
2 of the release date and time of an individual in its custody in
3 advance of public notification and includes but is not limited
4 to United States department of homeland security form I-247N.

5 4. "*Transfer request*" means a United States immigration
6 and customs enforcement request that a local law enforcement
7 agency facilitate the transfer of an individual in the agency's
8 custody to the custody of United States immigration and customs
9 enforcement, and includes but is not limited to United States
10 department of homeland security form I-247X.

11 Sec. 2. NEW SECTION. 823.2 Immigration and customs
12 enforcement interviews and request — procedures.

13 1. A local law enforcement agency shall provide an
14 individual in the agency's custody with a written notification
15 form in advance of any interview between the individual and
16 United States immigration and customs enforcement regarding
17 a civil immigration violation. The form shall include an
18 explanation of the purpose of the interview, that the interview
19 is voluntary, and that the individual may decline to be
20 interviewed or may choose to be interviewed only with the
21 individual's attorney present. The written notification form
22 shall be available in English, Spanish, and any other language
23 a local law enforcement agency determines to be appropriate.
24 If a form in an individual's native language is not available,
25 a local law enforcement agency shall provide for translation of
26 the form into the individual's native language. A local law
27 enforcement agency shall not delay release of an individual
28 from custody due to the unavailability of a form in the
29 individual's native language or translation services.

30 2. Upon receiving a hold, notification, or transfer request
31 from United States immigration and customs enforcement, a local
32 law enforcement agency shall provide a copy of the request to
33 the individual who is the subject of the request and inform
34 the individual whether the agency intends to comply with the
35 request. A local law enforcement agency that provides United

1 States immigration and customs enforcement with notification
2 that an individual is being or will be released from custody
3 on a certain date shall promptly provide the same notification
4 in writing to the individual and to either the individual's
5 attorney or one additional person who the individual may
6 designate.

7 Sec. 3. NEW SECTION. **823.3 Community forum.**

8 1. Beginning January 1, 2019, the governing body of any
9 county or city of which a local law enforcement agency has
10 provided immigration and customs enforcement access to an
11 individual during the last year shall hold at least one
12 community forum during the following year. The community forum
13 shall be open to the public in an accessible location with at
14 least thirty days' notice. The local law enforcement agency
15 shall utilize the community forum to provide information to
16 the public about immigration and customs enforcement access to
17 individuals in the county or city and to receive and consider
18 public comment.

19 2. As part of the community forum, the local law enforcement
20 agency may provide the governing body of the county or city
21 with data the agency maintains regarding the number and
22 demographic characteristics of individuals to whom the agency
23 has provided immigration and customs enforcement access, the
24 date immigration and customs enforcement access was provided,
25 and whether the immigration and customs enforcement access was
26 provided through a hold, transfer, or notification request
27 or through other means. Data may be provided in the form of
28 statistics or, if statistics are not maintained, individual
29 records, provided that personally identifiable information
30 shall be redacted from such records.

31 Sec. 4. NEW SECTION. **823.4 Public records.**

32 All records relating to immigration and customs enforcement
33 access provided by local law enforcement agencies, including
34 all communication with United States immigration and customs
35 enforcement, shall be public records subject to the provisions

1 of chapter 22. Records relating to immigration and customs
2 enforcement access include but are not limited to data
3 maintained by the local law enforcement agency regarding the
4 number and demographic characteristics of individuals to whom
5 the agency has provided immigration and customs enforcement
6 access, the date immigration and customs enforcement access
7 was provided, and whether immigration and customs enforcement
8 access was provided through a hold, transfer, or notification
9 request or through other means.

10 Sec. 5. NEW SECTION. 823.5 Rule of construction —
11 immigration and customs enforcement hold requests.

12 This chapter shall not be construed to provide, expand,
13 or ratify the legal authority of any state or local law
14 enforcement agency to detain an individual based upon a United
15 States immigration and customs enforcement hold request.

16 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill requires a local law enforcement agency to
22 provide an individual in the agency's custody with a written
23 notification form in advance of any interview between
24 the individual and United States immigration and customs
25 enforcement regarding a civil immigration violation. The bill
26 provides that the form shall include an explanation of the
27 purpose of the interview, that the interview is voluntary, and
28 that the individual may decline to be interviewed or may choose
29 to be interviewed only with the individual's attorney present.
30 The bill provides for the translation of the form into an
31 individual's native language.

32 The bill requires a local law enforcement agency, upon
33 receiving a hold, notification, or transfer request from United
34 States immigration and customs enforcement, to provide a copy
35 of the request to the individual who is the subject of the

1 request and inform the individual whether the agency intends
2 to comply with the request. The bill requires a local law
3 enforcement agency that provides United States immigration
4 and customs enforcement with notification that an individual
5 is being or will be released from custody on a certain date
6 to promptly provide the same notification in writing to the
7 individual and to either the individual's attorney or one
8 additional person who the individual may designate.

9 Beginning January 1, 2019, the bill requires the governing
10 body of any county or city of which a local law enforcement
11 agency has provided immigration and customs enforcement
12 access to an individual during the last year to hold at least
13 one community forum during the following year. The local
14 law enforcement agency shall utilize the community forum to
15 provide information to the public about immigration and customs
16 enforcement access to individuals in the county or city and to
17 receive and consider public comment. The bill authorizes a law
18 enforcement agency to provide the governing body of the county
19 or city with data the agency maintains regarding the number and
20 demographic characteristics of individuals to whom the agency
21 has provided immigration and customs enforcement access as part
22 of the community forum.

23 The bill provides that all records relating to immigration
24 and customs enforcement access to individuals provided by local
25 law enforcement agencies, including all communication with
26 United States immigration and customs enforcement, shall be
27 public records subject to the provisions of Code chapter 22,
28 the state public records law.

29 The bill shall not be construed to provide, expand, or ratify
30 the legal authority of any state or local law enforcement
31 agency to detain an individual based upon a United States
32 immigration and customs enforcement hold request.

33 The bill may include a state mandate as defined in Code
34 section 25B.3. The bill makes inapplicable Code section 25B.2,
35 subsection 3, which would relieve a political subdivision from

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1 complying with a state mandate if funding for the cost of
2 the state mandate is not provided or specified. Therefore,
3 political subdivisions are required to comply with any state
4 mandate included in the bill.