

Senate File 2412

H-8130

1 Amend Senate File 2412, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 IMMIGRATION STATUS — STATE EMPLOYMENT AND LICENSURE

7 Section 1. Section 7E.3, Code 2026, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 6. *Verification of United States citizenship*
10 *and immigration status.* Use the e-verify system of the United
11 States citizenship and immigration services to confirm the
12 employment eligibility of newly hired employees.

13 Sec. 2. Section 10A.101, Code 2026, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4. *"SAVE program"* means the systematic
16 alien verification for entitlements system of the United
17 States department of homeland security and the United States
18 citizenship and immigration services.

19 Sec. 3. NEW SECTION. 10A.113 **SAVE program clearinghouse.**

20 There is created within the department a SAVE program
21 clearinghouse, which shall serve as the central entity to
22 process requests to verify, using the SAVE program, the United
23 States citizenship and immigration status of an individual
24 who has applied for a professional license in this state.
25 The department shall adopt rules pursuant to chapter 17A to
26 implement this section.

27 Sec. 4. Section 10A.506, Code 2026, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 13. a. The licensing and regulation
30 examining boards included in the department pursuant to
31 subsection 1 shall use the SAVE program clearinghouse created
32 within the department pursuant to section 10A.113 to verify
33 the United States citizenship and immigration status of an
34 individual who has applied for a professional license from the
35 board.

1 **b.** A denial of an application for a professional license due
2 to the results of the SAVE program clearinghouse check shall
3 be appealed to the director and the director's decision shall
4 constitute final agency action.

5 **Sec. 5. NEW SECTION. 262.9E Verification of citizenship and**
6 **immigration status.**

7 The state board of regents and each institution of higher
8 education governed by the board shall use the e-verify system
9 of the United States citizenship and immigration services to
10 confirm the employment eligibility of newly hired employees.

11 **Sec. 6.** Section 272C.1, Code 2026, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 11. *"SAVE program clearinghouse"* means
14 the SAVE program clearinghouse created within the department
15 of inspections, appeals, and licensing pursuant to section
16 10A.113.

17 **Sec. 7.** Section 272C.4, Code 2026, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 11. Use the SAVE program clearinghouse to
20 confirm the United States citizenship and immigration status of
21 an individual who has applied for a professional license from
22 the board.

23 **Sec. 8.** Section 272C.10, Code 2026, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 9. For a license deemed a professional
26 license by the licensing board, unlawful presence in the United
27 States, as determined by using the SAVE program clearinghouse.

28 **Sec. 9. NEW SECTION. 272C.15A Disqualifications for**
29 **unlawful presence.**

30 A licensing board established after January 1, 1978, and
31 pursuant to the provisions of this chapter, shall not issue or
32 renew a professional license to an individual who the licensing
33 board is unable to verify is lawfully present in the United
34 States, as determined by using the SAVE program clearinghouse.

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DIVISION II

1 VOTER REGISTRATION — UNAUTHORIZED ALIENS

2 Sec. 10. Section 39A.2, subsection 1, paragraph a,
3 subparagraph (2), Code 2026, is amended to read as follows:

4 (2) Falsely swears to an oath required pursuant to section
5 48A.7A or 48A.11.

6 Sec. 11. Section 48A.2, Code 2026, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4A. *“Unauthorized alien”* means a person
9 who is unlawfully present in the United States under the
10 federal Immigration and Nationality Act, 8 U.S.C. §1101 et
11 seq., as modified by applicable federal statutes, rules, and
12 regulations.

13 Sec. 12. Section 48A.6, Code 2026, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 3. A person who is an unauthorized alien.

16 Sec. 13. Section 48A.11, Code 2026, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 9. Each voter registration form shall
19 include the following oath:

20 By submitting this form, I do solemnly swear and affirm that I
21 will protect and defend the Constitution of the United States
22 and the Constitution of the State of Iowa, that I am qualified
23 to register to vote under the Constitution and laws of the
24 State of Iowa, and that all information provided in my voter
25 registration application is true. I have carefully reviewed
26 the instructions for completing the Iowa voter registration
27 application, and I further swear or affirm that I am a United
28 States citizen. I understand that if I have provided false
29 information on my voter registration application that I could
30 be subject to criminal penalties for perjury and that I may be
31 fined, imprisoned, or, if not a United States citizen, deported
32 from or refused entry into the United States.

33 Sec. 14. NEW SECTION. 802.2H Election misconduct in the
34 first degree.

35 An information or indictment for election misconduct in

1 the first degree in violation of section 39A.2 shall be found
2 within five years after the commission of the offense.

3 Sec. 15. Section 802.3, Code 2026, is amended to read as
4 follows:

5 **802.3 Felony — aggravated or serious misdemeanor.**

6 In all cases, except those enumerated in [section 802.1](#),
7 [802.2](#), [802.2A](#), [802.2B](#), [802.2C](#), [802.2D](#), [802.2E](#), [802.2F](#), [802.2G](#),
8 [802.2H](#), or [802.10](#), an indictment or information for a felony or
9 aggravated or serious misdemeanor shall be found within three
10 years after its commission.

11 DIVISION III

12 PRETRIAL DETENTION

13 Sec. 16. Section 811.1, subsection 1, Code 2026, is amended
14 by adding the following new paragraphs:

15 NEW PARAGRAPH. *0d.* “*Forcible felony*” means the same as
16 defined in section 702.11.

17 NEW PARAGRAPH. *00d.* “*Indictable offense*” means the same as
18 defined in section 801.4.

19 NEW PARAGRAPH. *e.* “*Unauthorized alien*” means a person
20 who is unlawfully present in the United States according to
21 the terms of the federal Immigration and Nationality Act, 8
22 U.S.C. §1101 et seq. “*Unauthorized alien*” shall be interpreted
23 consistently with any applicable federal statutes, rules, or
24 regulations.

25 Sec. 17. Section 811.1, subsection 2, unnumbered paragraph
26 1, Code 2026, is amended to read as follows:

27 ~~All~~ Except as provided in subsection 3, all defendants
28 are bailable both before and after conviction, by sufficient
29 surety, or subject to release upon condition or on their own
30 recognizance, except that the following defendants shall not be
31 admitted to bail:

32 Sec. 18. Section 811.1, Code 2026, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 3. *a.* Notwithstanding subsection 2,
35 all defendants are bailable before conviction, by sufficient

1 surety, or subject to release upon conditions or on their own
2 recognizance, except when the offense is for a forcible felony.
3 A charge for a forcible felony creates a rebuttable presumption
4 that the person is dangerous and that there is not a sufficient
5 surety or condition of release that will reasonably assure
6 the personal safety of another person or persons. If a court
7 determines that there is probable cause to believe that the
8 defendant committed a forcible felony, then the defendant shall
9 be detained without bail. The prosecuting attorney, or the
10 court on its own motion, must move for pretrial detention.
11 The defendant may rebut the presumption by demonstrating, by
12 a preponderance of the evidence, that adequate conditions of
13 release will reasonably assure the personal safety of another
14 person or persons.

15 *b.* It shall be presumed that there are not sufficient
16 sureties or conditions of release that will secure the
17 appearance at trial of an unauthorized alien for an indictable
18 offense. If a court determines that there is probable cause to
19 believe that the defendant committed an indictable offense and
20 the court further determines by a preponderance of the evidence
21 that the defendant is an unauthorized alien, the prosecuting
22 attorney, or the court on its own motion, shall move for
23 pretrial detention. The defendant may rebut the presumption
24 by demonstrating, by a preponderance of the evidence, that
25 adequate conditions of release will secure the appearance of
26 the defendant at trial.>

27 2. Title page, by striking lines 1 and 2 and inserting
28 <An Act relating to qualifications for certain rights and
29 privileges prescribed by the state, including state employment,
30 professional licensure, voter registration, and bail, and
31 making penalties applicable.>

THOMSON of Floyd