

House Amendment to  
Senate File 2218

S-5104

1 Amend Senate File 2218, 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 EDUCATION-RELATED PROVISIONS

7 Section 1. Section 256.146, subsection 16, Code 2026, is  
8 amended to read as follows:

9 16. a. Adopt rules to require that a background  
10 investigation be conducted by the division of criminal  
11 investigation of the department of public safety on all initial  
12 applicants for licensure. The board shall also require all  
13 initial applicants to submit a completed fingerprint packet and  
14 shall use the packet to facilitate a national criminal history  
15 background check.

16 b. The board shall have access to, and shall review the  
17 sex offender registry information under [section 692A.121](#)  
18 available to the general public, information in the Iowa court  
19 information system available to the general public, the central  
20 registry for child abuse information established under chapter  
21 235A, and the dependent adult abuse records maintained under  
22 chapter 235B for information regarding applicants for license  
23 renewal and, every five years, for practitioners who are not  
24 subject to renewal requirements pursuant to [subsection 1](#),  
25 paragraph "a", subparagraph (2). The board may charge such  
26 a practitioner who is not subject to renewal requirements a  
27 reasonable fee for the review of the sex offender registry  
28 information, information in the Iowa court information system,  
29 the central registry for child abuse information, and the  
30 dependent adult abuse records.

31 c. (1) The board shall require all initial applicants for  
32 licensure, including individuals who apply for a license under  
33 section 256.152, and all applicants for license renewal, to  
34 produce evidence of the applicant's legal authorization to  
35 work in the United States as a condition of initial licensure

1 or license renewal. The board shall accept as proof of an  
2 applicant's legal authorization to work in the United States  
3 any of the following:

4 (a) A document that establishes both employment  
5 authorization and identity, as described in 8 U.S.C.  
6 §1324a(b)(1)(B).

7 (b) A document that evidences employment authorization,  
8 as described in 8 U.S.C. §1324a(b)(1)(C), and a document that  
9 establishes the identity of the applicant, as described in 8  
10 U.S.C. §1324a(b)(1)(D).

11 (2) The board shall require all practitioners who are  
12 not subject to renewal requirements pursuant to subsection  
13 1, paragraph "a", subparagraph (2), to produce evidence  
14 of the practitioner's legal authorization to work in the  
15 United States every five years as a condition of remaining  
16 licensed. The board shall accept as proof of a practitioner's  
17 legal authorization to work in the United States any of the  
18 following:

19 (a) A document that establishes both employment  
20 authorization and identity, as described in 8 U.S.C.  
21 §1324a(b)(1)(B).

22 (b) A document that evidences employment authorization,  
23 as described in 8 U.S.C. §1324a(b)(1)(C), and a document that  
24 establishes the identity of the practitioner, as described in 8  
25 U.S.C. §1324a(b)(1)(D).

26 Sec. 2. Section 256E.7, subsection 2, Code 2026, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *ow.* Be subject to and comply with the  
29 requirements of section 280.37 relating to the verification of  
30 the identity and employment eligibility of all individuals who  
31 have accepted an offer of employment in the same manner as a  
32 school district.

33 Sec. 3. Section 256F.4, subsection 2, Code 2026, is amended  
34 by adding the following new paragraph:

35 NEW PARAGRAPH. *v.* Be subject to and comply with the



1 2. An employer who violates section 91F.2 shall be subject  
2 to a civil penalty of ten thousand dollars to be collected by  
3 the department.

4 3. For a fourth or subsequent violation of subsection 91F.2,  
5 in addition to the civil penalty provided in subsection 1,  
6 an employer shall cease operations at the location where the  
7 violation occurred until any individual who holds a majority  
8 ownership interest in the employer, and all managerial staff  
9 at the location, participate in training developed by the  
10 department regarding compliance with this chapter.

11 Sec. 9. Section 714.8, Code 2026, is amended by adding the  
12 following new subsections:

13 NEW SUBSECTION. 23. For the purpose of retaining or  
14 obtaining employment, or any other thing of value, falsely  
15 provides the employer or prospective employer with a social  
16 security number that does not belong to that person.

17 NEW SUBSECTION. 24. An employer knowingly providing a  
18 potential employee with a fraudulent social security number for  
19 the purpose of hiring the potential employee.

20 DIVISION III

21 IMMIGRATION STATUS — STATE EMPLOYMENT AND LICENSURE

22 Sec. 10. Section 7E.3, Code 2026, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 6. *Verification of United States citizenship*  
25 *and immigration status.* Use the e-verify system of the United  
26 States citizenship and immigration services to confirm the  
27 employment eligibility of newly hired employees.

28 Sec. 11. Section 10A.101, Code 2026, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 4. "*SAVE program*" means the systematic  
31 alien verification for entitlements system of the United  
32 States department of homeland security and the United States  
33 citizenship and immigration services.

34 Sec. 12. NEW SECTION. 10A.113 **SAVE program clearinghouse.**  
35 There is created within the department a SAVE program

1 clearinghouse, which shall serve as the central entity to  
2 process requests to verify, using the SAVE program, the United  
3 States citizenship and immigration status of an individual  
4 who has applied for a professional license in this state.  
5 The department shall adopt rules pursuant to chapter 17A to  
6 implement this section.

7 Sec. 13. Section 10A.506, Code 2026, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 13. *a.* The licensing and regulation  
10 examining boards included in the department pursuant to  
11 subsection 1 shall use the SAVE program clearinghouse created  
12 within the department pursuant to section 10A.113 to verify  
13 the United States citizenship and immigration status of an  
14 individual who has applied for a professional license from the  
15 board.

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

20 Sec. 14. NEW SECTION. **262.9E Verification of citizenship**  
21 **and immigration status.**

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

26 Sec. 15. Section 272C.1, Code 2026, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 11. "*SAVE program clearinghouse*" means  
29 the SAVE program clearinghouse created within the department  
30 of inspections, appeals, and licensing pursuant to section  
31 10A.113.

32 Sec. 16. Section 272C.4, Code 2026, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 11. Use the SAVE program clearinghouse to  
35 confirm the United States citizenship and immigration status of

1 an individual who has applied for a professional license from  
2 the board.

3 Sec. 17. Section 272C.10, Code 2026, is amended by adding  
4 the following new subsection:

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

8 Sec. 18. NEW SECTION. **272C.15A Disqualifications for**  
9 **unlawful presence.**

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

15 DIVISION IV

16 VOTER REGISTRATION — UNAUTHORIZED ALIENS

17 Sec. 19. Section 39A.2, subsection 1, paragraph a,  
18 subparagraph (2), Code 2026, is amended to read as follows:

19 (2) Falsely swears to an oath required pursuant to section  
20 48A.7A or 48A.11.

21 Sec. 20. Section 48A.2, Code 2026, is amended by adding the  
22 following new subsection:

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

28 Sec. 21. Section 48A.6, Code 2026, is amended by adding the  
29 following new subsection:

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

31 Sec. 22. Section 48A.11, Code 2026, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 9. Each voter registration form shall  
34 include the following oath:

35 By submitting this form, I do solemnly swear and affirm that

1 I am qualified to register to vote under the Constitution and  
2 laws of the State of Iowa, and that all information provided in  
3 my voter registration application is true. I have carefully  
4 reviewed the instructions for completing the Iowa voter  
5 registration application, and I further swear or affirm that  
6 I am a United States citizen. I understand that if I have  
7 provided false information on my voter registration application  
8 that I could be subject to criminal penalties for perjury and  
9 that I may be fined, imprisoned, or, if not a United States  
10 citizen, deported from or refused entry into the United States.

11 Sec. 23. NEW SECTION. **802.2H Election misconduct in the**  
12 **first degree.**

13 An information or indictment for election misconduct in  
14 the first degree in violation of section 39A.2 shall be found  
15 within five years after the commission of the offense.

16 Sec. 24. Section 802.3, Code 2026, is amended to read as  
17 follows:

18 **802.3 Felony — aggravated or serious misdemeanor.**

19 In all cases, except those enumerated in [section 802.1](#),  
20 [802.2](#), [802.2A](#), [802.2B](#), [802.2C](#), [802.2D](#), [802.2E](#), [802.2F](#), [802.2G](#),  
21 [802.2H](#), or [802.10](#), an indictment or information for a felony or  
22 aggravated or serious misdemeanor shall be found within three  
23 years after its commission.

24

#### DIVISION V

25

#### PRETRIAL DETENTION

26 Sec. 25. Section 811.1, subsection 1, Code 2026, is amended  
27 by adding the following new paragraphs:

28 NEW PARAGRAPH. *0d.* "*Forcible felony*" means the same as  
29 defined in section 702.11.

30 NEW PARAGRAPH. *00d.* "*Indictable offense*" means the same as  
31 defined in section 801.4.

32 NEW PARAGRAPH. *e.* "*Unauthorized alien*" means a person  
33 who is unlawfully present in the United States according to  
34 the terms of the federal Immigration and Nationality Act, 8  
35 U.S.C. §1101 et seq. "*Unauthorized alien*" shall be interpreted

1 consistently with any applicable federal statutes, rules, or  
2 regulations.

3 Sec. 26. Section 811.1, subsection 2, unnumbered paragraph  
4 1, Code 2026, is amended to read as follows:

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

10 Sec. 27. Section 811.1, Code 2026, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 3. *a.* Notwithstanding subsection 2,  
13 all defendants are bailable before conviction, by sufficient  
14 surety, or subject to release upon conditions or on their own  
15 recognizance, except when the offense is for a forcible felony.  
16 A charge for a forcible felony creates a rebuttable presumption  
17 that the person is dangerous and that there is not a sufficient  
18 surety or condition of release that will reasonably assure  
19 the personal safety of another person or persons. If a court  
20 determines that there is probable cause to believe that the  
21 defendant committed a forcible felony, then the defendant shall  
22 be detained without bail. The prosecuting attorney, or the  
23 court on its own motion, must move for pretrial detention.  
24 The defendant may rebut the presumption by demonstrating, by  
25 a preponderance of the evidence, that adequate conditions of  
26 release will reasonably assure the personal safety of another  
27 person or persons.

28 *b.* It shall be presumed that there are not sufficient  
29 sureties or conditions of release that will secure the  
30 appearance at trial of an unauthorized alien for an indictable  
31 offense. If a court determines that there is probable cause to  
32 believe that the defendant committed an indictable offense and  
33 the court further determines by a preponderance of the evidence  
34 that the defendant is an unauthorized alien, the prosecuting  
35 attorney, or the court on its own motion, shall move for

1 pretrial detention. The defendant may rebut the presumption  
2 by demonstrating, by a preponderance of the evidence, that  
3 adequate conditions of release will secure the appearance of  
4 the defendant at trial.>

5 2. Title page, by striking lines 1 through 5 and inserting  
6 <relating to state regulatory compliance and eligibility  
7 requirements, including by modifying provisions related to  
8 the verification of the identity and employment eligibility  
9 of individuals by the board of educational examiners, school  
10 districts, accredited nonpublic schools, charter schools,  
11 and innovation zone schools; the provision of a false social  
12 security number to an employer, prospective employer, or a  
13 potential employee; qualifications for state employment,  
14 professional licensure, voter registration, and bail; making  
15 penalties applicable; and including applicability provisions.>