

House File 2258 - Introduced

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A BILL FOR

1 An Act to prohibit state departments, agencies, and political
2 subdivisions of this state and members of the Iowa national
3 guard from assisting the armed forces of the United States
4 in the investigation, prosecution, or detainment of any
5 citizen of the United States under certain circumstances and
6 providing penalties.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. PROHIBITED ENFORCEMENT — NATIONAL DEFENSE
2 AUTHORIZATION ACT.

3 1. Except as provided in subsection 2, and notwithstanding
4 any provision of law to the contrary, a state department,
5 agency, or political subdivision of this state or employee
6 thereof acting in the employee's official capacity, or a member
7 of the Iowa national guard on official state duty shall not
8 aid an agency of the armed forces of the United States in any
9 investigation, prosecution, or detention of any person pursuant
10 to section 1021 of the federal National Defense Authorization
11 Act for Fiscal Year 2012, if such aid would place that state
12 agency, political subdivision, employee, or member of the Iowa
13 national guard in violation of the Constitution of the United
14 States, the Constitution of the State of Iowa, or any law of
15 this state.

16 2. An official, agent, or employee of any state department,
17 agency, or political subdivision of this state or a member of
18 the Iowa national guard who acts in violation of this section
19 is guilty of a class "D" felony.

20 3. This section shall not apply to participation by state
21 or local law enforcement or the Iowa national guard in a
22 joint task force, partnership, or other similar cooperative
23 agreement with federal law enforcement if that joint task
24 force, partnership, or similar cooperative agreement is not for
25 the purpose of investigating, prosecuting, or detaining any
26 person pursuant to section 1021 of the federal National Defense
27 Authorization Act for Fiscal Year 2012.

28 EXPLANATION

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

31 This bill provides that except as otherwise provided in the
32 bill and notwithstanding any provision of law to the contrary,
33 a state department, agency, or political subdivision of this
34 state or employee thereof acting in the employee's official
35 capacity, or a member of the Iowa national guard on official

1 state duty shall not aid an agency of the armed forces of the
2 United States in any investigation, prosecution, or detention
3 of any person pursuant to section 1021 of the federal National
4 Defense Authorization Act for Fiscal Year 2012, if such aid
5 would place that state agency, political subdivision, employee,
6 or member of the Iowa national guard in violation of the
7 United States constitution, the Iowa constitution, or any Iowa
8 law. That section of the federal law pertains to detention
9 of persons the federal government suspects are involved in
10 terrorism.

11 An official, agent, or employee of any state department,
12 agency, or political subdivision of this state or a member
13 of the Iowa national guard who acts in violation of this
14 section is guilty of a class "D" felony. A class "D" felony
15 is punishable by confinement for no more than five years and a
16 fine of at least \$750 but not more than \$7,500.

17 The bill does not apply to participation by state or local
18 law enforcement or the Iowa national guard in a joint task
19 force, partnership, or other similar cooperative agreement with
20 federal law enforcement if that joint task force, partnership,
21 or similar cooperative agreement is not for the purpose of
22 investigating, prosecuting, or detaining any person pursuant to
23 section 1021 of the federal National Defense Authorization Act
24 for Fiscal Year 2012.