

Senate File 311 - Introduced

SENATE FILE 311

BY SORENSON

A BILL FOR

1 An Act to prohibit any state department, agency, or political
2 subdivision of this state or employee thereof acting in
3 the employee's official capacity, and any member of the
4 Iowa national guard on official state duty from assisting
5 an agency of the armed forces of the United States in the
6 investigation, prosecution, or detainment of any citizen of
7 the United States under certain circumstances.

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

24 EXPLANATION

25 This bill provides that except as otherwise provided in the
26 bill and notwithstanding any provision of law to the contrary,
27 a state department, agency, or political subdivision of this
28 state or employee thereof acting in the employee's official
29 capacity, or a member of the Iowa national guard on official
30 state duty shall not aid an agency of the armed forces of the
31 United States in any investigation, prosecution, or detention
32 of any person pursuant to section 1021 of the federal National
33 Defense Authorization Act for Fiscal Year 2012, if such aid
34 would place that state agency, political subdivision, employee,
35 or member of the Iowa national guard in violation of the

1 United States constitution, the Iowa constitution, or any Iowa
2 law. That section of the federal law pertains to detention
3 of persons the federal government suspects are involved in
4 terrorism.

5 The bill does not apply to participation by state or local
6 law enforcement or the Iowa national guard in a joint task
7 force, partnership, or other similar cooperative agreement with
8 federal law enforcement if that joint task force, partnership,
9 or similar cooperative agreement is not for the purpose of
10 investigating, prosecuting, or detaining any person pursuant to
11 section 1021 of the federal National Defense Authorization Act
12 for Fiscal Year 2012.