

House File 2407 - Introduced

HOUSE FILE 2407
BY CROKEN, RAMIREZ, and
WICHTENDAHL

A BILL FOR

1 An Act relating to civil remedies for deprivation of
2 constitutional rights; immigration enforcement limitations
3 in hospitals, licensed child care centers, and public
4 institutions of higher education; and protections against
5 civil arrest at courthouses; and including effective date
6 provisions.

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

unofficial

1 Section 1. Section 27A.1, Code 2026, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 01. "*Crowd control equipment*" includes but
4 is not limited to kinetic impact projectiles; compressed air
5 launchers; oleoresin capsicum spray, CS gas, CN gas, or
6 other chemical irritants; forty millimeter munitions launchers;
7 less-lethal shotguns; less-lethal specialty impact-chemical
8 munitions; controlled noise and light distraction devices; and
9 electronic control weapons.

10 NEW SUBSECTION. 001. "*Facial covering*" means any opaque
11 mask, garment, helmet, headgear, or other item that conceals or
12 obscures the facial identity of an individual, including but not
13 limited to a balaclava, tactical mask, gaiter mask, ski mask,
14 or any similar type of facial covering or face-shielding item.
15 "*Facial covering*" does not include a medical grade mask designed
16 to prevent the transmission of diseases, a facial covering
17 designed to protect against exposure to smoke during a state
18 of emergency related to wildfires, or protective gear used by
19 special weapons and tactics team officers necessary to protect an
20 officer's face while performing official duties.

21 NEW SUBSECTION. 1A. "*Immigration enforcement*" means
22 enforcement of immigration law and does not include actions taken
23 by a peace officer acting within the officer's lawful authority
24 under the law of this state.

25 Sec. 2. NEW SECTION. **27A.12 Immigration enforcement —**
26 **civil action.**

27 1. A person may bring a civil action for damages and
28 injunctive relief against any person who, while conducting
29 immigration enforcement, knowingly engages in conduct that
30 violates the Constitution of the State of Iowa or the
31 Constitution of the United States.

32 2. Qualified immunity is a defense to liability under this
33 section.

34 3. If a plaintiff seeks punitive damages against a defendant
35 who committed a violation of this section while acting under

1 federal, state, or local law, the court shall consider in
2 determining the reprehensibility of the defendant's conduct the
3 following factors:

4 a. Whether the defendant wore a facial covering while
5 committing the violation.

6 b. Whether the defendant was a law enforcement officer at the
7 time of the violation who failed to identify as a law enforcement
8 officer either by wearing an identifying insignia, such as a
9 badge, agency logo, or patch, or by providing his or her name,
10 badge or identification number, and the employing agency.

11 c. Whether the defendant was a law enforcement officer at the
12 time of the violation who was required by state or federal law
13 or regulation or agency policy to use an officer-worn body camera
14 during the activity that gave rise to the violation and failed to
15 do so.

16 d. Whether the defendant operated or used a motor vehicle
17 without a license plate or with a non-Iowa license plate.

18 e. Whether the defendant used crowd control equipment at the
19 time of the violation.

20 f. Whether the defendant intentionally violated or failed to
21 comply with any material term of a court order or consent decree
22 in effect at the time of the violation.

23 4. The court shall award reasonable attorney fees and costs
24 to a prevailing plaintiff in an action brought under this
25 section.

26 Sec. 3. NEW SECTION. **135B.41 Patient privacy in hospitals**
27 **— law enforcement agents.**

28 1. As used in this section, unless the context otherwise
29 requires:

30 a. "Administrative volunteer" means an individual who serves
31 as a volunteer at a hospital in only an administrative capacity.

32 b. "Law enforcement agent" means an agent of federal,
33 state, or local law enforcement authorized to arrest or detain
34 individuals or manage the custody of detained individuals for
35 the enforcement of laws relating to aliens, immigrants, or

1 immigration.

2 c. "Patient" means a person who has received or is receiving
3 medical care, treatment, or services from an individual or
4 institution licensed in this state.

5 2. On or before January 1, 2027, a hospital shall adopt and
6 implement policies governing integrations with law enforcement
7 agents, including but not limited to the following:

8 a. Designation of a contact, who shall be hospital legal
9 counsel or an administrative designee, to respond to law
10 enforcement presence or requests.

11 b. Procedures to verify and document the identity and
12 authority of law enforcement agents, including best efforts to
13 record the agent's name, agency, and badge number.

14 c. Procedures designating areas where law enforcement agents
15 may remain while the hospital verifies compliance with applicable
16 law, including confirmation of a valid judicial warrant or court
17 order or a request by hospital staff related to safety or
18 security.

19 d. Procedures ensuring patients receive notice of privacy
20 practices consistent with 45 C.F.R. §164.520 and an opportunity
21 to authorize disclosures to designated persons.

22 e. Procedures ensuring protected health information is
23 disclosed only in strict compliance with applicable law,
24 including the Health Insurance Portability and Accountability Act
25 of 1996 and its implementing regulations.

26 f. A requirement that protected health information may be
27 disclosed to a law enforcement agent only pursuant to a valid
28 subpoena, order, or warrant issued by a federal judge or
29 magistrate.

30 g. Training requirements for hospital staff, contractors,
31 security personnel, administrative volunteers, and designated
32 contact persons.

33 h. A prohibition on retaliation against any patient,
34 employee, or agent for filing a complaint under this section.

35 3. a. A hospital shall submit the policies required under

1 subsection 2 to the department of health and human services by
2 January 1, 2027.

3 b. By January 16, 2027, the department of health and human
4 services shall notify a hospital that has failed to provide a
5 copy of the policy required under subsection 2. A hospital shall
6 have seven days to submit a copy of the hospital's policies.
7 The department of health and human services may impose a civil
8 penalty of up to five hundred dollars per day for failure to
9 submit policies after notice and an opportunity to cure.

10 4. Hospital personnel, including administrative volunteers,
11 are not subject to civil or criminal liability for reasonable
12 compliance with this section.

13 5. This section does not affect mandatory reporting
14 obligations or responses to suspected criminal activity on
15 hospital premises.

16 Sec. 4. Section 237A.2, subsection 1, Code 2026, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. d. The center complies with section 237A.7A.

19 Sec. 5. NEW SECTION. **237A.7A Confidential information —**
20 **immigration enforcement protections.**

21 1. As used in this section, unless the context otherwise
22 requires:

23 a. "*Citizenship or immigration status*" means matters relating
24 to citizenship or lawful presence, including nationality, country
25 of citizenship, or status as an international student.

26 b. "*Immigration enforcement action*" includes an arrest or
27 detention for the purposes of civil immigration enforcement.

28 c. "*Law enforcement agent*" means an agent of federal,
29 state, or local law enforcement authorized to arrest or detain
30 individuals or manage the custody of detained individuals for
31 the enforcement of laws relating to aliens, immigrants, or
32 immigration.

33 2. A licensed child care center shall not disclose
34 information regarding the actual or perceived citizenship or
35 immigration status of a child or associated person unless

1 required by law.

2 3. This section shall not limit information sharing permitted
3 under 8 U.S.C. §1373 and 1644.

4 4. This section does not affect mandatory reporting
5 obligations or emergency interactions with law enforcement.

6 5. The department shall make available on the department's
7 internet site resources for families, including information
8 relating to constitutional rights of families and family
9 preparedness plans.

10 6. If a child's parent or guardian faces immigration
11 enforcement action, the licensed child care center shall contact
12 and release the child to the persons designated as the child's
13 emergency contacts.

14 7. On or before January 1, 2027, a licensed child care center
15 shall adopt policies including all of the following:

16 a. A written plan of action for interacting with law
17 enforcement agents that shall be shared with a child's parent or
18 guardian and includes the following:

19 (1) Designation of spaces deemed to be private within the
20 facility.

21 (2) Designation of the licensed child care center director or
22 the center director's designee to serve as the primary point of
23 contact for interacting with law enforcement agents.

24 (3) Procedures a licensed child care center's primary point
25 of contact shall follow to respond and review any request for
26 entry by law enforcement, including judicial warrants, orders,
27 and subpoenas.

28 b. Procedures for notifying and seeking written consent from
29 a child's parent or guardian if a law enforcement agent requests
30 access to personally identifiable information from the child's
31 records, unless such access is in compliance with a judicial
32 warrant or order or a subpoena that restricts the disclosure of
33 the information to the child's parent or guardian.

34 c. Procedures to update emergency contacts for families
35 enrolled at the licensed child care center biannually.

1 d. Procedures to notify within a reasonable time period
2 parents or guardians and the department if immigration
3 enforcement action occurs at the licensed child care center.

4 e. An update to the licensed child care center's late pick-up
5 policy to include the degree of diligence the licensed child care
6 center will use to reach a child's emergency contacts, including
7 the number of attempted phone calls to parents and emergency
8 contacts and any requests for police assistance in finding a
9 child's emergency contact.

10 Sec. 6. Section 262.9, Code 2026, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 43. a. On or before January 1, 2027, direct
13 the institutions of higher education under its control to adopt
14 policies that restrict an institution from doing the following:

15 (1) Threatening or disclosing actual or perceived citizenship
16 or immigration status of an employee, a student, or a person
17 associated with an employee or student to an external party,
18 including immigration or law enforcement agencies.

19 (2) Knowingly disclosing, without the consent of the employee
20 or student, anything related to the perceived citizenship
21 or immigration status of an employee, a student, or a
22 person associated with an employee or student to an external
23 party, including immigration or law enforcement agencies,
24 if the institution does not have direct knowledge of the
25 employee's, student's, or associated person's actual citizenship
26 or immigration status, subject to the requirements of this
27 subsection.

28 (3) Knowingly disclosing, without the consent of the employee
29 or student, anything related to the actual citizenship or
30 immigration status of an employee, a student, or a person
31 associated with an employee or student to any other person or
32 nongovernmental entity if the institution has direct knowledge
33 of the employee's, student's, or associated person's actual
34 citizenship or immigration status, subject to the requirements of
35 this subsection.

1 (4) Designating immigration status, citizenship, place of
2 birth, nationality, or national origin as directory information.

3 (5) Impeding students or employees from offering, attending,
4 or participating in training on constitutional rights and
5 immigration-related guidance, including but not limited to
6 attending know-your-rights training or sharing know-your-rights
7 flyers.

8 b. On or before January 1, 2027, direct the institutions
9 of higher education under its control to adopt procedures for
10 reviewing and authorizing requests from law enforcement agents
11 attempting to enter an institution's campus, including the
12 following:

13 (1) Procedures for reviewing and contacting a designated
14 authorized person, office, or department at the institution or
15 institution facility, which person, office, or department may
16 contact the institution's legal counsel, and procedures for
17 that authorized person, office, or department or legal counsel
18 to review requests to enter an institution's campus, including
19 judicial warrants or orders, nonjudicial warrants, and subpoenas.

20 (2) Procedures for documenting all interactions with law
21 enforcement agents on the institution's campus.

22 (3) Procedures for notifying and seeking consent from an
23 employee or student if a law enforcement agent requests access
24 to the employee or student for immigration enforcement purposes,
25 unless such consent is prohibited by a judicial warrant or
26 subpoena.

27 c. This subsection shall not be construed to do any of the
28 following:

29 (1) Prohibit an institution from complying with all
30 applicable state and federal laws and rules.

31 (2) Prohibit or restrict an institution from sending to or
32 receiving from the United States department of homeland security
33 or any other federal, state, or local governmental entity
34 information regarding the citizenship or immigration status of an
35 individual under 8 U.S.C. §1373 and 1644.

1 (3) Permit the disclosure of personally identifiable
2 education records, as that term is defined by state or federal
3 law, or information from those records without complying with
4 state and federal laws and rules governing the disclosure of such
5 records or information.

6 (4) Prohibit institutions from complying with valid judicial
7 warrants, orders, or subpoenas.

8 (5) Prohibit or restrict an institution from disclosing
9 information necessary to respond to an administrative complaint
10 or litigation brought against or by the institution.

11 d. On or before January 1, 2027, direct the institutions of
12 higher education under its control to adopt policies, including
13 the following:

14 (1) Procedures for providing information on the institution's
15 website about whom employees and students should contact if a
16 law enforcement agent seeks to enter the institution's campus,
17 enters the institution's campus, or engages in nonconsensual
18 interactions with members of the institution's community,
19 including employees or students.

20 (2) Procedures to provide immigration enforcement resources
21 on the institution's internet site to help students and
22 employees understand their constitutional rights and access
23 immigration-related guidance.

24 (3) Procedures to determine if an immigration enforcement
25 activity is occurring or has occurred on the institution's
26 campus, including verification of the first and last name,
27 employer or agency, and badge number of the lead law enforcement
28 agent, if possible.

29 (4) Procedures to provide notification to employees and
30 students if the institution confirms that immigration enforcement
31 activity is occurring or has occurred on the institution's campus
32 that, in the judgment of the institution's law enforcement or the
33 institution's public safety office, could adversely impact the
34 institution's safety or operations.

35 e. Beginning January 1, 2027, any party aggrieved by conduct

1 that violates this subsection may bring a civil action for
2 damages, injunctive relief, or attorney fees and costs.

3 *f.* A civil action shall be brought no later than two years
4 after the violation of this subsection or two years from the
5 date the aggrieved party becomes aware of the violation of this
6 subsection, whichever is later.

7 *g.* If the court finds that a willful violation of this
8 subsection has occurred, the court may award actual damages.

9 *h.* For purposes of this subsection:

10 (1) "*Citizenship or immigration status*" means matters
11 relating to citizenship or lawful presence, including
12 nationality, country of citizenship, or status as an
13 international student.

14 (2) "*Employee*" means a full-time or part-time faculty member,
15 staff member, executive leader, supervisor, clerical person,
16 student, or contracted member of personnel employed by an
17 institution whose role involves direct, routine, or meaningful
18 interaction with students to support their academic progress,
19 personal development, or well-being.

20 (3) "*Law enforcement agent*" means an agent of federal,
21 state, or local law enforcement authorized with the power to
22 arrest or detain individuals, or manage the custody of detained
23 individuals, for civil immigration enforcement. "*Law enforcement*
24 *agent*" does not include an agent of a police department for a
25 public institution of higher education.

26 (4) "*Nonjudicial warrant*" means a warrant issued by
27 a federal, state, or local governmental agency authorized
28 to arrest or detain individuals or manage the custody
29 of detained individuals for any law enforcement purpose,
30 including civil immigration enforcement. "*Nonjudicial warrant*"
31 includes an immigration detainer request defined in section
32 27A.1. "*Nonjudicial warrant*" does not include a criminal warrant
33 issued upon a judicial determination of probable cause.

34 Sec. 7. NEW SECTION. **804.32 Arrest protections for court**
35 **participants.**

1 1. As used in this section, unless the context otherwise
2 requires:

3 a. "Civil arrest" means an arrest that is not a criminal
4 arrest supported by probable cause or a judicial warrant.

5 b. "Court companion" means an individual supporting,
6 assisting, or accompanying a person who is going to, remaining
7 at, or returning from a court proceeding.

8 2. An individual attending a court proceeding in good faith
9 as a party, witness, potential witness, or court companion
10 is privileged from civil arrest at the place of the court
11 proceedings; within the courthouse building; on the premises
12 of the courthouse including parking facilities serving the
13 courthouse; on any sidewalk, parkway, and street surrounding the
14 courthouse; and on any public way within one thousand feet of the
15 courthouse including a sidewalk, parkway, or street.

16 3. This section does not preclude criminal arrests supported
17 by probable cause or a judicial warrant.

18 4. A court may issue any order necessary to protect the
19 privilege provided by this section.

20 5. An individual may bring a civil action for false
21 imprisonment against any person who knew or reasonably should
22 have known that the person arrested is a person attending a court
23 proceeding in good faith as a party, witness, potential witness,
24 or court companion. A court may grant any of the following
25 remedies:

26 a. Damages, including actual damages of ten thousand dollars.

27 b. Injunctive relief.

28 c. Any other equitable or declaratory relief the court deems
29 necessary.

30 d. Costs and reasonable attorney fees.

31 6. An action or proceeding shall not be commenced under this
32 section against the judicial branch or any court employees acting
33 lawfully to maintain safety and order in the courts.

34 7. This section does not affect any right or defense,
35 including any existing qualified immunity defense, of any person,

1 police officer, peace officer or public officer, or any court
2 system personnel acting lawfully.

3 Sec. 8. SEVERABILITY. The provisions of this Act are
4 severable pursuant to section 4.12.

5 Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate
6 importance, takes effect upon enactment.

7 EXPLANATION

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

10 This bill relates to civil remedies for deprivation of
11 constitutional rights; immigration enforcement limitations in
12 hospitals, licensed child care centers, and public institutions
13 of higher education; and protections against civil arrest at
14 courthouses.

15 The bill creates a civil cause of action for damages and
16 injunctive relief against a person who knowingly violates the
17 Constitution of the State of Iowa or the Constitution of
18 the United States while conducting immigration enforcement.
19 Qualified immunity is preserved as a defense. If punitive
20 damages are sought, the court is directed to consider specified
21 factors relating to the reprehensibility of the defendant's
22 conduct, including the use of facial coverings, failure to
23 identify as law enforcement, failure to use required body-worn
24 cameras, use of certain vehicles or crowd control equipment,
25 and violations of court orders or consent decrees. The court
26 is required to award reasonable attorney fees and costs to a
27 prevailing plaintiff.

28 The bill requires hospitals, by January 1, 2027, to
29 adopt and implement policies governing patient privacy in
30 hospitals when interacting with law enforcement agents engaged
31 in immigration enforcement, including the designation of a
32 contact person, procedures for verifying and documenting law
33 enforcement authority, limitations on law enforcement presence
34 absent valid legal process or safety needs, compliance with
35 state and federal health privacy laws, training requirements,

1 and a prohibition on retaliation. Hospitals must submit the
2 policies to the department of health and human services, and
3 the department may impose civil penalties for a hospital's
4 failure to comply. Hospital personnel are granted immunity
5 from liability for reasonable compliance. The bill provides
6 that mandatory reporting obligations and responses to suspected
7 criminal activity are not affected.

8 The bill amends Code section 237A.2 (licensing of child care
9 centers) to require licensed child care centers to comply with
10 new Code section 237A.7A as a condition of licensure.

11 The bill creates new Code section 237A.7A to limit the
12 disclosure of citizenship or immigration status information by
13 licensed child care centers. The bill prohibits disclosure
14 of actual or perceived immigration status of a child or
15 associated person unless required by law, while preserving
16 information sharing permitted under federal law. The bill does
17 not affect mandatory reporting or emergency interactions with
18 law enforcement. The bill requires the department of health
19 and human services to make family-focused resources available
20 online including a family's constitutional rights and family
21 preparedness plans. By January 1, 2027, child care centers must
22 adopt policies addressing law enforcement interactions, parental
23 notification, emergency contacts, and late pick-up procedures.

24 The bill requires the board of regents to direct public
25 institutions of higher education to adopt policies limiting
26 disclosure of citizenship or immigration status information,
27 restricting the designation of such information as directory
28 information, and protecting participation in constitutional
29 rights and immigration-related training. Institutions are
30 required to adopt procedures governing law enforcement access
31 to campus, documentation of interactions, consent requirements,
32 and public notice and resource availability. The bill creates a
33 private right of action for violations, subject to a limitations
34 period and remedies specified in the bill.

35 The bill establishes protections against civil arrest for

1 individuals attending court proceedings in good faith, including
2 parties, witnesses, potential witnesses, and court companions.
3 The protections apply while traveling to, attending, and
4 returning from court, including areas in and around the
5 courthouse. Criminal arrests supported by probable cause or
6 judicial warrants are not affected by the bill. The bill
7 provides that a person may bring a civil action for false
8 imprisonment against any person who knew or reasonably should
9 have known that the person arrested is a person attending a court
10 proceeding in good faith as a party, witness, potential witness,
11 or court companion. The judicial branch and court employees
12 acting lawfully are exempt, and existing defenses, including
13 qualified immunity, are preserved.
14 The bill takes effect upon enactment.