

**House Study Bill 663 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**A BILL FOR**

1 An Act relating to qualifications for certain rights and  
2 privileges prescribed by the state, including state  
3 employment, professional licensure, voter registration, and  
4 bail, and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

IMMIGRATION STATUS — STATE EMPLOYMENT AND LICENSURE

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

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

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

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

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

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

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

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

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

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

1 **immigration status.**

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

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

8 NEW SUBSECTION. 11. "SAVE program clearinghouse" means the  
9 SAVE program clearinghouse created within the department of  
10 inspections, appeals, and licensing pursuant to section 10A.113.

11 Sec. 7. Section 272C.4, Code 2026, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 11. Use the SAVE program clearinghouse to  
14 confirm the United States citizenship and immigration status of  
15 an individual who has applied for a professional license from the  
16 board.

17 Sec. 8. Section 272C.10, Code 2026, is amended by adding the  
18 following new subsection:

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

22 Sec. 9. NEW SECTION. **272C.15A Disqualifications for**  
23 **unlawful presence.**

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

29 DIVISION II

30 VOTER REGISTRATION — UNAUTHORIZED ALIENS

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

33 (2) Falsely swears to an oath required pursuant to section  
34 48A.7A or 48A.11.

35 Sec. 11. Section 48A.2, Code 2026, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 4A. "Unauthorized alien" means a person who  
3 is unlawfully present in the United States under the federal  
4 Immigration and Nationality Act, 8 U.S.C. §1101 et seq., as  
5 modified by applicable federal statutes, rules, and regulations.

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

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

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

11 NEW SUBSECTION. 9. Each voter registration form shall  
12 include the following oath:

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

26 Sec. 14. NEW SECTION. **802.2H Election misconduct in the**  
27 **first degree.**

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

31 Sec. 15. Section 802.3, Code 2026, is amended to read as  
32 follows:

33 **802.3 Felony — aggravated or serious misdemeanor.**

34 In all cases, except those enumerated in section 802.1,  
35 802.2, 802.2A, 802.2B, 802.2C, 802.2D, 802.2E, 802.2F, 802.2G,

1 802.2H, or 802.10, an indictment or information for a felony or  
2 aggravated or serious misdemeanor shall be found within three  
3 years after its commission.

4 DIVISION III

5 PRETRIAL DETENTION

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

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

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

12 NEW PARAGRAPH. *e.* "*Unauthorized alien*" means a person who is  
13 unlawfully present in the United States according to the terms  
14 of the federal Immigration and Nationality Act, 8 U.S.C. §1101 et  
15 seq. "*Unauthorized alien*" shall be interpreted consistently with  
16 any applicable federal statutes, rules, or regulations.

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

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

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

26 NEW SUBSECTION. 3. *a.* Notwithstanding subsection 2, all  
27 defendants are bailable before conviction, by sufficient surety,  
28 or subject to release upon conditions or on their own  
29 recognizance, except when the offense is for a forcible felony.  
30 A charge for a forcible felony creates a rebuttable presumption  
31 that the person is dangerous and that there is not a sufficient  
32 surety or condition of release that will reasonably assure the  
33 personal safety of another person or persons. If a court  
34 determines that there is probable cause to believe that the  
35 defendant committed a forcible felony, then the defendant shall

1 be detained without bail. The prosecuting attorney, or the  
2 court on its own motion, must move for pretrial detention.  
3 The defendant may rebut the presumption by demonstrating, by  
4 a preponderance of the evidence, that adequate conditions of  
5 release will reasonably assure the personal safety of another  
6 person or persons.

7 b. It shall be presumed that there are not sufficient  
8 sureties or conditions of release that will secure the appearance  
9 at trial of an unauthorized alien for an indictable offense.  
10 If a court determines that there is probable cause to believe  
11 that the defendant committed an indictable offense and the court  
12 further determines by a preponderance of the evidence that the  
13 defendant is an unauthorized alien, the prosecuting attorney, or  
14 the court on its own motion, shall move for pretrial detention.  
15 The defendant may rebut the presumption by demonstrating, by  
16 a preponderance of the evidence, that adequate conditions of  
17 release will secure the appearance of the defendant at trial.

18 EXPLANATION

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

21 This bill relates to qualifications for certain rights and  
22 privileges prescribed by this state, including state employment,  
23 professional licensure, voter registration, and bail.

24 DIVISION I — IMMIGRATION STATUS — STATE EMPLOYMENT AND  
25 LICENSURE. The bill requires each head of a department or  
26 independent agency of this state, as well as the state board of  
27 regents and each regents institution, to use the e-verify system  
28 of the U.S. citizenship and immigration services to confirm the  
29 employment eligibility of newly hired employees.

30 The bill creates within the department of inspections,  
31 appeals, and licensing a clearinghouse to process requests to  
32 verify, using the systematic alien verification for entitlements  
33 system of the U.S. department of homeland security and the U.S.  
34 citizenship and immigration services (SAVE program), the United  
35 States citizenship and immigration status of individuals who have

1 applied for a professional license in this state. The bill  
2 requires professional licensing boards to use the SAVE program  
3 clearinghouse to verify the U.S. citizenship and immigration  
4 status of an individual who has applied for a professional  
5 license from the board and to decline to issue or renew a license  
6 if the licensing board is unable to verify that the person is  
7 lawfully present in the United States. The bill requires the  
8 denial of an application for a professional license due to the  
9 results of the SAVE program clearinghouse check to be appealed  
10 to the director of the department of inspections, appeals, and  
11 licensing, and the decision of the director shall constitute a  
12 final agency action.

13 The bill also requires a licensing board established after  
14 January 1, 1978, to adopt rules for the revocation or suspension  
15 of a license that the licensing board deems to be a professional  
16 license if the licensee is unlawfully present in the United  
17 States, as determined by using the SAVE program clearinghouse.

18 DIVISION II — VOTER REGISTRATION — UNAUTHORIZED ALIENS. The  
19 bill disqualifies persons who are unauthorized aliens, defined  
20 in the bill as persons who are unlawfully present in the United  
21 States under the federal Immigration and Nationality Act, from  
22 registering to vote and from voting. The bill requires a person  
23 submitting a voter registration form to swear an oath to protect  
24 and defend the constitutions of the United States and of Iowa,  
25 that the person is qualified to register to vote, and that  
26 the person has not submitted false information in the voter  
27 registration form. A person falsely swearing this oath is guilty  
28 of election misconduct in the first degree, a class "D" felony.  
29 A class "D" felony is punishable by confinement for no more than  
30 five years and a fine of at least \$1,025 but not more than  
31 \$10,245.

32 The bill provides that an information or indictment for  
33 election misconduct in the first degree shall be found within  
34 five years after the commission of the offense. Under current  
35 law, an information or indictment for election misconduct in

1 the first degree must be found within three years after its  
2 commission.

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

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