

Policy Position One-Pager

[SF 2211](#), SF2228 & HF2381

IOWA MMJ POSITION: Against

Overview

SF 2211 would preempt federal immigration law by allowing local Iowa law enforcement and judges to determine whether someone should be deported or not.

SF 2211 is preempted by federal law and a violation of both US and Iowa Supreme Court decisions.

- This bill is a copy of other states that have tried to pass similar bills.
- The bill violates *Arizona v. U.S.*, 567 U.S. 387 (2012); *State v. Martinez*, 896 N.W.2d 737 (Iowa 2017).

SF 2211 would force Iowa judges and law enforcement to act as immigration enforcement.

- According to US law, only federal immigration judges may determine the admissibility or deportability of non-citizens in the United States. 8 U.S.C. Sec. 1229(a)(1). This bill would force Iowa state court judges, who are not trained in immigration law, to serve as immigration judges.
- The bill would force Iowa judges to make these determinations related to an individual's immigration case, including whether the person should be deported, even where they conflict with federal immigration court proceedings.
- The bill would force local Iowa law enforcement officers to investigate and detain non-citizens and enforce their removal from the United States. Forcing local police to enforce U.S. immigration laws is in direct conflict with community policing efforts and makes communities less safe for everyone because of the increase in fear of police.

SF 2211 would allow Iowa tax-payers to foot the bill to cover costs associated with trying to enforce an unenforceable state law.

- The bill includes a section that appears to anticipate that when Iowans follow and enforce this new bill, they may violate federal law and may even be committing federal crimes.
- Rather than prohibit application of this bill in a way that violates federal law, the bill that Iowa tax payers will cover the cost of lawyers to defend those who are accused of violating federal law.