



BILL ANALYSIS / SUMMARY

H693

2026 Regular Session

2/23/2026

IDAHO DAIRYMEN'S ASSOCIATION POSITION: OPPOSED

SHORT TITLE: CONCEALING, HARBORING, AND SHIELDING ALIENS – Adds to existing law to establish provisions regarding the concealing, harboring, and shielding of aliens.

SPONSOR(S): Representative Dale Hawkins, R–Fernwood

COMMITTEE ASSIGNMENT: House Judiciary

STATEMENT OF PURPOSE: This bill makes it illegal in Idaho for anyone to knowingly help, hide, or transport individuals who are in the U.S. illegally. It also prohibits encouraging or assisting them to live in the state and providing them with housing, financial support, or legal help if their presence in the U.S. violates federal law. If someone breaks this law, they can face a misdemeanor or a felony depending on how many individuals are involved. Repeat offenders and those aiding multiple individuals can lose business licenses, face large fines, and even have their vehicles seized. Exceptions exist for law enforcement, emergency responders, and first responders acting in their official capacity.

FISCAL NOTE: This legislation causes no increase or decrease in revenue, or additional expenditure of funds at the state level of government; therefore, this legislation has no fiscal impact. [NOTE – IDA disagrees with the fiscal note for the reasons set forth in a recent [economic impact study](#)¹].

BILL SUMMARY: H693 adds a new chapter to Title 18 of Idaho Code. The new chapter prohibits an organization, any director, officer, or agent of the organization, from (1) concealing, (2) inducing to enter or reside in the state illegally, (3) transporting an illegal alien into the state, and (4) providing aid to, any person who is in the state in violation of federal law. The bill penalizes violators with the loss of business license and other permits, fines, and misdemeanor or felony charges depending on the number of violations and for repeat offenders.

The bill defines an organization as, including but not limited to, an organization, corporation, company, partnership, association, trust, foundation, fund, or any director, officer, or agent

1

https://static1.squarespace.com/static/69826647c008487194a3c1ee/t/698df6815c5f2a55bab88adf/1770911364389/IALW_Final_v7.pdf

thereof, and includes a sole proprietorship or group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects.

This definition mirrors the definition provided in the Immigration and Nationality Act under 8 U.S.C. 1101(a)(28), but also expands the definition to include any director, officer or agent of an organization. This expansion creates a responsibility across organizations to include not only leadership, but also agents of the organization which would include volunteers acting on behalf of the organization. In addition to the organizational reach, the definition also includes groups of people whether incorporated or temporarily associated together. This would include private citizens who form informal groups in the community to provide support, aid, or housing for individuals who are known or suspected to be in the United States illegally.

Prohibition 4

Prohibition 4 is the clause of highest concern for IDA because it is most likely to impact its members. It prohibits providing, promoting, or advertising shelter, financial support, or legal assistance to an alien in this state if the organization, or any director, officer, or agent thereof, knows or recklessly disregards the fact that such alien's coming to, entering, or residing in the United States is or will be in violation of federal law, including being an inadmissible alien.

The language of this clause makes it a crime if the individual knows the person is in the United States without legal status, or if they recklessly disregard that the alien entered or resides in violation of federal law. Under the "knows or recklessly disregards" standard, an organization, director, agent, or group would be liable if they know or have reason to believe an individual is in the United States illegally and they still provide aid. This sets an extremely high standard for individuals and organizations to consider when providing aid, or employment.

Penalties

The bill also includes varying levels of penalties for violation of the law ranging from misdemeanor criminal charges to felony charges, suspension of permits and serious financial penalties. The penalties are tiered in the following way:

1. First violation results in a misdemeanor if it involves 1-4 illegal aliens, and results in the loss of business license and permits for a period of one (1) year and a fine not to exceed \$3000 for each offense.
2. Subsequent violations, and violations involving five (5) or more illegal aliens result in a felony, and immediate permanent revocation of any business license and permit, and a fine of no more than \$3000 for each offense.
3. Civil forfeiture of any conveyance including any vessel, vehicle, or aircraft that has been used in committing a violation and any proceeds received by committing the violation.

Exceptions

The bill provides an exception for law enforcement agencies and organizations hired by law enforcement agencies who are transporting illegal aliens to federal, state, or local holding facilities or any location required to transfer the alien into federal custody. It also provides an exception for first responders acting in official capacity when required to provide emergency services.

REASONING FOR POSITION: H693 criminalizes the performance of certain activities when an organization “knows or recklessly disregards the fact that the alien has come to, has entered, or remains in the United States in violation of federal law.” Employers are already prohibited from knowingly employing illegal aliens, which is enforced through examination of an employee’s identification and authorization paperwork. However, employers cannot ask for additional information or paperwork beyond what is prescribed by federal law without exposing themselves to liability for employment discrimination. The ambiguity of the “reckless disregard” standard presents a potential legal issue if it requires employers to investigate or demand additional information from prospective employees.

Additionally, IDA does not support criminalizing and financially penalizing nonprofit assistance based on legal status. Food banks, churches, and other nonprofit organizations offer aid to those in need regardless of legal status. H693 would require these organizations to turn away those that are known to be or suspected of being in the country without proper authorization. This would require aid organizations to abandon their core missions of serving those in need, and religious organizations to forego fulfilling their religious duties to aid those in need regardless of legal status. Furthermore, the broad reach of the bill extending to agents of organizations, and other groups of persons associated for a subject would allow penalties to reach volunteers and community groups associated for providing aid in their communities. Penalizing those who provide aid to those in need harms Idaho’s communities and removes essential support available to all community members.

Lastly, the broad definition of the bill would allow it to extend to groups informally organized by Idaho’s citizens to provide aid. Private citizens should not be responsible for verifying the legal status of those in their communities to whom they provide aid. To criminalize and financially penalize the citizens for aiding those in need is detrimental to communities and hurts the state by eliminating an essential form of aid found across Idaho’s communities.

LEGAL ANALYSIS: Under federal law, it is illegal to knowingly employ or continue to employ an unauthorized alien. U.S.C. 8 U.S.C. § 1324a(a)(1), (2). Employers verify a prospective employee’s eligibility to work by examining specific types of documents that prove the employee’s identification and authorization to work. U.S.C. 8 U.S.C. § 1324a(a)(b). However, employers are prohibited from requesting additional documents or questioning the authenticity of the documents provided. 8 U.S.C. § 1324b(a)(6). If they do ask for additional documents or question

the authenticity of the documents provided, they can be charged with employment discrimination and incur civil penalties. 8 U.S.C. § 1324b(g)(2).

H693 is broad and seeks to implement state law consistent with existing federal law under 8 U.S.C. 1324(a)(1)(A). Prohibitions one through three(1-3) attempt to create state law that mirrors existing federal law relating to organizations harboring, promoting illegal entry, and transporting illegal aliens into the country. These provisions are likely to be blocked under federal preemption because federal law already comprehensively regulates immigration.

Federal Courts have repeatedly blocked state laws that attempt to enforce immigration policy. In *United States v. Texas*, the 5th Circuit upheld an injunction against state law that gave the state the authority to regulate illegal entry into the United States. Given that concealing, promoting illegal entry, and transporting illegal aliens into the country, are all currently prohibited by federal law, these prohibitions will likely be challenged under federal preemption and Federal Courts would follow current precedent finding that federal law supersedes state law.

Additionally, the fifth(5) clause under penalties raises preemption concerns as well. 8 U.S.C. 1324(b) is federal law governing seizure and forfeiture of conveyances relating to bringing in and harboring aliens. Similar to the analysis above relating to federal preemption, H693 cannot enforce the civil forfeiture penalty because state law is preempted by federal law over this issue.

The bill could also be challenged under the First Amendment. The bill seeks to restrict organizations from providing aid to illegal immigrants. Many religious groups believe in a duty to help those in need regardless of status. By criminalizing this assistance, the bill could be challenged under the First Amendment as a violation of religious freedom and associational rights.

CONTACTS:

Rick Naerebout, CEO

(t) (208) 308-3383

(e) rick.naerebout@gmail.com

Bob Naerebout, Govt. Affairs

(t) 208-308-3382

(e) bnaerebout@gmail.com

Jamie Neill, Govt. Affairs

(t) 206-604-5082

(e) jamie@idahodairymens.org

David Claiborne, attorney

(t) 208-867-7062

(e) david@sawtoothlaw.com