



AMERICAN CIVIL LIBERTIES UNION OF UTAH
311 S. State St. Suite #310 Salt Lake City, Utah, 84111
(801) 521-9862 PHONE • ACLU@ACLUUTAH.ORG
WWW.ACLUUTAH.ORG

Thursday, March 7, 2024

Dear Governor Cox,

The American Civil Liberties Union of Utah (ACLU of Utah) strongly urges you to veto H.B. 165 “Federal Law Enforcement Amendments.” This bill purports to prohibit federal law enforcement agents from being able to “release an alien from custody within” Utah unless the agent provides detailed notifications to a county sheriff and the Utah Attorney General.

We have several concerns with this bill. First, this legislation is unconstitutional and unenforceable. Utah has no authority to regulate any action of federal agents acting under federal law in Utah or anywhere else. Simply put, Utah cannot regulate the conditions under which a federal agent can release someone from custody. As such, if you sign this bill into law, the state is nearly certain to face a costly lawsuit that it is completely certain to lose. Defending a bill that does not pass constitutional muster is an unwise use of our state’s taxpayer dollars.

Second, we disagree with the message behind this “message bill.” H.B. 165 plays into the harmful and untrue stereotype that immigrants are somehow a danger to our community. On top of this, the bill promotes the idea that state law enforcement should gather data on immigrants with no clear purpose. To the extent that the bill seeks information from federal agents about whether a person to be released has outstanding criminal warrants, there is good reason to believe that it is unlikely that a person would be released in that situation.

Instead of signing bills into law that do little more than stoke fear and pointlessly increase the workload on state law enforcement, we should work on policies that live up to the ideals that state leaders embraced in the Utah Compact on Immigration. Accordingly, we encourage you to veto this unenforceable, unconstitutional, and unwise bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brittney Nystrom". The signature is written in a cursive style and is positioned above a horizontal line.

Brittney Nystrom
Executive Director
ACLU of Utah

CC:
Lt. Governor Deidre Henderson
Jon Pierpont
Neil Abercrombie
Jennifer Napier-Pearce
Emma Williams