



AMERICAN CIVIL LIBERTIES UNION OF UTAH
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Thursday, March 20, 2025

Dear Governor Spencer Cox:

The **American Civil Liberties Union of Utah (ACLU of Utah)** strongly urges you to veto HB226, Criminal Amendments, which subjects immigrants and refugees—including green card holders—to severe immigration consequences, including almost certain immigration detention and deportation for minor offenses.

This bill isn't about public safety—it's about building a harsh deportation pipeline that targets immigrants and refugees for low-level infractions. HB226 reverses the progress made by a unanimously passed law in 2019 that removed the threat of automatic deportation and restored judicial discretion in immigration proceedings for immigrants and refugees by reducing the maximum penalty for all Class A misdemeanors to 364 days. Under HB226, immigrants—even many of those with lawful status—who have pled to or been convicted of one of the Class A misdemeanors specified in the bill will be forced into deportation proceedings in which the immigration judge lacks any discretion to consider the underlying circumstances of the offense or background of the individual. This could lead to devastating consequences; for example, an immigration judge could not do anything to stop a domestic violence victim from being deported if they were convicted of assaulting their abuser.

Forcing local law enforcement to notify Immigration and Customs Enforcement before releasing undocumented individuals from prisons and jails at the end of their sentence creates a dangerous entanglement between local law enforcement and federal immigration authorities. Requiring local law enforcement to play a role in immigration enforcement is an unnecessary burden on them that also undermines community trust in law enforcement. Ascertaining which individuals in criminal custody are undocumented is a complex and murky task that, if not undertaken with safeguards and care, can lead to erroneous assumptions and reliance on profiling and dangerous stereotypes.

HB226 inextricably links the civil immigration system and the criminal legal system, making automatic deportation an additional penalty for minor criminal convictions. Immigrants and refugees are vital members of our communities, and if HB226 becomes law, it will deliver lasting, disproportionate harm to people we know and care about.

For these reasons, we strongly urge you to veto HB226.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brittney Nystrom", written over a horizontal line.

Brittney Nystrom
Executive Director
ACLU of Utah

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