

Know-Your-Rights Alert!

The U.S. Supreme Court has upheld a Nevada law that requires individuals to identify themselves to police when asked.

June 30, 2004

A recent decision of the U.S. Supreme Court affects many existing “know-your-rights” brochures and pamphlets for immigrants.

The Court upheld a Nevada law that authorizes police officers to detain individuals whom they encounter under suspicious circumstances and who refuse to identify themselves when asked to do so. The Court’s ruling, *Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County*, No. 03-5554 (June 21, 2004), is very narrow, relying on the limited reach of the Nevada statute, which applies only to situations in which an officer reasonably suspects that a crime has been or is being committed, and which requires the individual who is stopped to provide his or her name. Importantly, the Nevada statute does not require the individual to show any document or answer any other question.

The decision does not resolve whether a statute that required presentation of a driver’s license or other identity documents would be constitutional. Nor does the decision require that a suspect identify him or herself in every case; the Court recognized that there may be cases where just giving one’s name may constitute self-incrimination. Four justices dissented from the ruling.

For immigration purposes, it is important to stress the ruling’s limited scope. Immigrants who are stopped by police and asked to identify themselves, in jurisdictions with laws that require them to do so, *generally now must provide their names, but the ruling requires nothing further.* Because it is difficult to know with certainty whether one is in a location where a state law (or even a county ordinance) requires a suspect to provide his or her name to the police, it is safest to assume that one must. ***However, the ruling does not apply to questioning by the Border Patrol and other immigration officers, as they have no authority to enforce state or local laws.***

For a more detailed explanation of the decision, see “Supreme Court Upholds State Law Requiring Individuals to Identify Themselves When Asked During Investigative Stop,” www.nilc.org/immlawpolicy/arrestdet/ad083.htm.

FOR MORE INFORMATION, CONTACT

Anita Sinha, NILC staff attorney | sinha@nilc.org | 510.663.8282 x 304



National
Immigration
Law Center
www.nilc.org

NATIONAL IMMIGRATION LAW CENTER

Los Angeles Headquarters
3435 Wilshire Blvd
Suite 2850
Los Angeles, CA 90010
213 639-3900
213 639-3911 fax

Washington, DC
1101 14th Street, NW
Suite 410
Washington, DC 20005
202 216-0261
202 216-0266 fax

Oakland, CA
405 14th Street
Suite 1400
Oakland, CA 94612
510 663-8282
510 663-2028